

2017

Town of Monson Maine Ordinances

Monson, Me.

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TOWN OF MONSON ORDINANCE RESTRICTING THE CONDUCT OF DOGS

DEFINITIONS:

Terms, as used in the Ordinance, shall have the following meaning, unless the context indicates otherwise.

1. DOG shall be intended to mean both male and female canines.
2. OWNER means any person or persons, firm, association or corporation owning, keeping or harboring a dog.

A. BARKING OR HOWLING DOGS.

It shall be unlawful for any owner of or any person harboring any dog in the Town of Monson to permit or allow such dog to engage in habitual loud howling or barking or to conduct itself in such a manner so as to disturb the peace of any person other than the owner or owners harboring such dog.

B. * CANINE WASTE CONTROL.

It shall be a violation of this division for any person who owns, possesses or controls a dog and fails to remove and dispose of properly, any feces left by their dog within 50 feet of any sidewalk, street, park or publicly owned property.

C. *EXEMPTION.

This ordinance shall not apply to a dog accompanying any handicapped person who, by reason of their handicap, is physically unable to comply with the requirements of this ordinance.

D. ENFORCEMENT.

Any person who observes a dog acting in violation of this ordinance may file a written complaint with a Municipal Police Officer or Animal Control Officer specifying the objectionable conduct of the dog, the date and time thereof, a description of the dog, and name and residence, if known, of the owner or other person harboring said dog. In the event that another complaint of such nature is received by the Animal Control Officer concerning the same animal within on (1) month from the date of the initial Complaint, the Animal Control Officer shall cause a complaint to be filed before any District Court in the County where such owner or keeper resides. It shall be the duty of all Animal Control Officers to enforce the provisions of the ordinance.

E. PENALTY

Upon complaint before any District Court in the County where such owner or keeper resides, and person found violating any of the provisions of this Ordinance shall be guilty of a civil violation and punishable by a fine of \$25.00 for each first offense, \$50.00 for a second offense and \$50.00 for each subsequent offense. All fines so assessed shall be recovered for the use of the Town of Monson through the District Court.

*Amendment.

LAND USE ORDINANCE

TOWN OF MONSON

Adopted JUNE 18, 2001

Amended: MARCH 20, 2017

Amended: AUGUST 19, 2013

Amended: OCTOBER 28, 2004

Amended: MARCH 23, 2004

TABLE OF CONTENTS

SECTION I: GENERAL PROVISIONS

A.	TITLE	1
B.	AUTHORITY	1
C.	PURPOSES	1
D.	APPLICABILITY	2
E.	CONFLICT WITH OTHER ORDINANCES	2
F.	VALIDITY	2
G.	EFFECTIVE DATE	2
H.	ANNUAL ADMINISTRATIVE REVIEW	2
I.	AMENDMENTS	2

SECTION II: NON-CONFORMITY

A.	BURDEN OF PROOF	3
B.	CONVERSION TO CONFORMANCE ENCOURAGED	3
C.	CONTINUANCE	3
D.	NON-CONFORMING LOTS OF RECORD	5
E.	TRANSFER OF OWNERSHIP	5

SECTION III: ESTABLISHMENT OF DISTRICTS

A.	DISTRICTS ESTABLISHED	6
B.	STANDARDS ESTABLISHING DISTRICTS/DISTRICT DESCRIPTIONS	6
C.	OFFICIAL DISTRICT BOUNDARY MAP	7
D.	INTERPRETATION OF DISTRICT BOUNDARIES	7
E.	DIVISION OF LOTS BY DISTRICT BOUNDARIES	8
F.	AMENDMENTS TO DISTRICT BOUNDARIES	9

SECTION IV: SCHEDULE OF USES

A.	ACTIVITIES DESCRIBED	10
B.	SYMBOLS USED IN SCHEDULE OF USES	10

SECTION IV: SCHEDULE OF USES (Cont.)

C.	USES SIMILAR TO PERMITTED USES	11
D.	USES SIMILAR TO PROHIBITED USES	11
E.	COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED	11
F.	SCHEDULE OF USES	
	1. NON-COMMERCIAL RECREATIONAL ACTIVITIES	12
	2. RESOURCE MANAGEMENT ACTIVITIES	13
	3. RESOURCE MINERAL EXTRACTION ACTIVITIES	14
	3. RESIDENTIAL ACTIVITIES	15
	4. INSTITUTIONAL ACTIVITIES	16
	5. COMMERCIAL ACTIVITIES	17
	6. INDUSTRIAL ACTIVITIES	19
	7. TRANSPORTATION AND UTILITIES	20

SECTION V: LAND USE STANDARDS

A.	GENERAL STANDARDS	
	1. ACCESSORY USES	21
	2. ACCESS REQUIREMENTS	21
	3. AGRICULTURAL MANAGEMENT ACTIVITIES	22
	4. AIR POLLUTION	22
	5a BUFFERS	22
	5b BUILDING STANDARDS	22
	5c BUILDING STANDARDS FOR ALL DISTRICTS	23
	6. CONFORMANCE WITH COMPREHENSIVE PLAN	24
	7. CONTRUCTION IN FLOOD HAZARD AREAS	24
	8. CONVERSIONS	24
	9. DENSITY BONUS PROVISIONS	24
	10. DUST, FUMES, VAPORS, GASES, ODORS, GLARE AND EXPLOSIVE MATERIALS	25
	11. EROSION AND SEDIMENTATION CONTROLS	25
	12. HOME OCCUPATIONS	26
	13. INDUSTRIAL PERFORMANCE STANDARDS	28
	14. JUNKYARDS	28
	15. LANDSCAPING	29
	16. LIGHTING DESIGN STANDARDS	30
	17. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS	30
	18. MANUFACTURED HOUSING	30
	19. MINERAL EXPLORATION AND EXTRACTION	31
	20. MOBILE HOME PARK STANDARDS	32
	21. OFF STREET PARKING	33
	22. OFF STREET LOADING	34
	23. OIL AND CHEMICAL STORAGE	34
	24. PESTICIDE APPLICATION	34

SECTION V: LAND USE STANDARDS (Cont.)

25. PREHISTORIC AND ARCHAEOLOGICAL RESOURCES	35
26. REFUSE DISPOSAL	35
27. SEWAGE DISPOSAL	35
28. SIGNS	36
29. SITE CONDITIONS	38
30. SOILS	38
31. TEMPORARY STORAGE	38
32. TOPSOIL AND VEGETATION REMOVAL	39
33. TRANSIENT ACCOMMODATIONS “BED AND BREAKFAST”	39
34. TRANSIENT ACCOMMODATIONS “RENTAL CABINS AND COTTAGES	40
35. TRANSIENT ACCOMMODATIONS “INNS AND HOSTELS”	40
36. CAMPER TRAILERS AND RECREATIONAL VEHICLES	40
37. TRANSMISSION TOWERS/TELECOMMUNICATIONS FACILITY	40
38. WIND ENERGY FACILITIES/SYSTEMS	44
 B. DIMENSIONAL REQUIREMENTS	 49

SECTION VI: ADMINISTRATION AND ENFORCEMENT

A. CREATION OF ADMINISTRATIVE BODIES AND AGENTS	54
B. APPROVAL REQUIRED	54
C. APPLICATION REQUIRED	54
D. CODE ENFORCEMENT OFFICER PERMIT	55
E. PLANNING BOARD PERMIT REVIEW	57
F. OTHER PERMITS REQUIRED BEFORE APPROVAL	59
G. POSITIVE FINDINGS REQUIRED	60
H. VIOLATIONS	60
I. COMMENCEMENT AND COMPLETION OF WORK	60
J. CERTIFICATE OF OCCUPANCY REQUIRED	61
K. ENFORCEMENT	61
L. APPEALS	62
M. VARIANCES RECORDED	64
N. SCHEDULE	64

SECTION VII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE	65
B. DEFINITIONS	65

Land Use Ordinance of the Town of Monson, Maine

SECTION I: GENERAL PROVISIONS

A. TITLE

This Ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of Monson, Maine", and will be referred to herein as the "Ordinance".

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and Title 30-A, Section 4352 and Title 38, Section 435 et.seq., of the Maine Revised Statutes Annotated.

C. PURPOSES

The purposes of the Ordinance are as follows:

1. To implement the policies and recommendations of the Monson Comprehensive Plan;
2. To encourage growth in the identified growth areas and to limit growth in the rural areas;
3. To promote the health, safety and general welfare of the residents of the community;
4. To encourage the most appropriate use of land throughout the community;
5. To promote traffic safety;
6. To provide safety from fire and other elements;
7. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life;
8. To conserve natural resources.

Land Use Ordinance of the Town of Monson, Maine

SECTION I: GENERAL PROVISIONS (Cont.)

D. APPLICABILITY

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Monson, exclusive of the Town's Shoreland Zoning Ordinance.

E. CONFLICT WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance, or any other Ordinance, regulation or statute, the more restrictive provision shall control.

F. VALIDITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of the adoption by the legislative body.

H. ANNUAL ADMINISTRATIVE REVIEW

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually to the Town Manager and Board of Selectmen on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Manager and Board of Selectmen shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;
2. Enhance the implementation of the purposes of this Ordinance contained in subsection C, paragraphs 1 through 9, above.

I. AMENDMENTS

This Ordinance may be amended by a majority vote of the Legislative body.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

A. BURDEN OF PROOF

The burden of establishing that any non-conforming structure, use, or lot is a lawfully existing non-conforming structure, use of lot as defined in this Ordinance, shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town of Monson.

B. CONVERSION TO CONFORMANCE ENCOURAGED

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses or lots to conformance whenever possible and shall be required to convert to conforming status as required by this Ordinance.

C. CONTINUANCE

The use of any building, structure, or parcels of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING USES OF LAND

Continuance of non-conforming uses of land shall be subject to the following provisions:

- a. An existing non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than that occupied at the effective date of this Ordinance, or any amendment thereto;
- b. If any non-comforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and
- c. A non-conforming use may be moved within the boundaries of the lot provided that the Planning Board finds that the change in location on the lot is appropriate in regards to:
 - (1) Location and character;
 - (2) Fencing and screening;
 - (3) Landscaping, topography, and natural features;
 - (4) Traffic and access;
 - (5) Signs and lighting; and
 - (6) Potential nuisance.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

C. CONTINUANCE (Cont)

2. EXISTING NON-CONFORMING STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No such structure shall be enlarged or altered in any way that increases its non-conformity;
- b. Should any structure, exclusive of the foundation, be destroyed, or damaged by any means, exclusive of the planned demolition, said structure may be rebuilt on the existing foundation to the dimensions of the structure which was destroyed provided rebuilding is begun within one year; and
- c. A non-conforming structure may be moved within a lot in a manner which would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - (1) Location and character;
 - (2) Fencing and screening;
 - (3) Landscaping, topography, and natural features;
 - (4) Traffic and access;
 - (5) Signs and lighting; and
 - (6) Potential nuisance.

3. EXISTING NON-CONFORMING USE OF STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No structure devoted to a non-conforming use shall be enlarged or extended;
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building;
- c. Any non-conforming use of a structure or premises may be changed to another non-conforming use provided that the Planning Board shall find that the proposed use is more consistent with the District's purpose than the existing non-conforming use, at no time shall a use be permitted which is less conforming nor revert back to the previous non- conforming use;

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS (Cont.)

C. CONTINUANCE (Cont.)

d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed;

e. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such structure shall comply with standards specified by this Ordinance for the district in which such structure is located; and

f. A structure housing an existing non-conforming use may be moved, within the lot, in a manner which would be a more appropriate location, provided that the Planning Board finds that the change in location is appropriate in regards to:

- (1) Location and character;
- (2) Fencing and screening;
- (3) Landscaping, topography, and natural features;
- (4) Traffic and access;
- (5) Signs and lighting; and
- (6) Potential nuisances.

4. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. Such construction shall start within sixty (60) days after the issuance of the permit.

D. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds which at the effective date of adoption or subsequent amendment of this Ordinance, does not meet the lot area or width requirements or both, of the district in which it is located, may be built upon as an existing non-conforming lot of record even though such lot may be contiguous with any other lot in the same ownership, provided that all other provisions of this Ordinance are met.

E. TRANSFER OF OWNERSHIP

Ownership of land and structures which remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Monson is hereby divided into the following districts.

1. Village District (V)
2. Mixed Residential District (MRD)
3. Industrial District (I)
4. Industrial Floating District (IFD)
5. Rural District (RR)

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

1. Village District

- a. Purpose: The purpose of the Village District is to maintain and improve the vitality of the village area by preserving its character and encouraging future commercial development.
- b. Areas Include: The location of the Village District is illustrated on the “Official Zoning Map of the Town of Monson”.

2. Mixed Residential District

- a. Purpose: This purpose of the Mixed Residential District is to provide a growth area for additional housing units anticipated in the next 10 year period and also provide for an expansion of commercial uses.
- b. Areas Include: The location of the Mixed Residential District is illustrated on the “Official Zoning Map of the Town of Monson”.

3. Industrial District

- a. Purpose: The purpose of the Industrial District is to recognize existing industrial activities, as well as reserve land for expansion of existing activities and location of new industries and heavy commercial activities.
- b. Areas Include: The location of the Industrial District is illustrated on the “Official Zoning Use Map of the Town of Monson”.

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS (Cont.)

4. Industrial Floating District

- a. Purpose: The purpose of the Industrial Floating District is to provide space for industrial/heavy commercial activities by providing land which is favorable to the development of industry and is located to limit undesirable conflict with residential and commercial development.
- b. Areas Include: The location of the Industrial Floating District is illustrated on the “Official Zoning Map of the Town of Monson”.

5. Rural Residential District

- a. Purpose: The purpose of the Rural Residential District is to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, resource extraction and recreational activities.
- b. Areas Include: The location of the Rural Residential District is illustrated on the “Official Zoning Map of the Town of Monson”.

C. OFFICIAL DISTRICT BOUNDARY MAP

Districts established by this Ordinance are bounded and defined as shown on the official "Zoning Map of the Town of Monson, Maine." The following rules of interpretation shall apply:

The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk and on file in the office of the Town Clerk.

D. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the official “Official Land Use Zoning Map of Monson”, the following rules of interpretation shall apply:

- 1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines;

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

D. INTERPRETATION OF DISTRICT BOUNDARIES (Cont.)

2. Boundaries indicated as being approximately following shorelines of any lake or pond shall be construed as following the normal high water mark;
3. Boundaries indicated as being the extension of centerlines of streets shall be construed to be the extension of such centerlines;
4. Boundaries indicated as approximately following the centerlines of streams, rivers or other continuous flowing watercourses shall be construed as following the channel center line of such watercourses;
5. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the district boundaries.

E. DIVISION OF LOTS BY DISTRICT BOUNDARIES

In the event that a District boundary line divides a lot or parcel of land of the same ownership of record, at the time such line is established by adoption or subsequent amendment of this Ordinance, the Planning Board, after written findings of fact finds that such extensions will not create unreasonable adverse impacts on the existing uses of adjacent properties, may:

- a. When that portion of the lot which is located in the more restrictive District is greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the more restrictive portion.
- b. When that portion of the lot which is located in the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion.
- c. When that portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, extend the regulations applicable to the less restrictive portion to the entire more restrictive portion.

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

F. AMENDMENTS TO DISTRICT BOUNDARIES

The Board of Selectmen, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in a District boundary shall be approved without a duly authorized majority vote at a Special or Annual Town Meeting.

A warrant article shall not be presented for consideration without written finding of fact from the Planning Board upon substantial evidence that:

1. The change would be consistent with: the standards of the District boundaries in effect at the time; the Comprehensive Plan; and the purpose, intent, and provisions of this Ordinance; and
2. The change in District boundaries will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources; or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Board of Selectmen will not act upon petition for a change in District boundaries unless notice is first given to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Board of Selectmen may require, as a part of any petition for a change in District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners as well as notify all registered voters.

SECTION IV: SCHEDULE OF USES

A. ACTIVITIES DESCRIBED

A matrix listing the uses permitted in the various Districts, under this Ordinance begins on page 4.3.

The various land uses contained in the matrix are organized according to the following seven (8) activity classifications:

1. Non-Commercial Recreational Activities
2. Resource Management Activities
3. Resource/Mineral Extraction Activities
4. Residential Activities
5. Institutional Activities
6. Commercial Activities
7. Industrial Activities
8. Transportation Activities

B. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

SYMBOL	DESCRIPTION
VD	Village District
MRD	Mixed Residential District
I	Industrial District
IFD	Industrial Floating District
RRD	Rural Residential District

2. PERMIT SYMBOLS

SYMBOL	DESCRIPTION
Y	Uses Allowed Without a Permit
N	Uses Prohibited Within District
C	Use Requires a Code Enforcement Permit
P	Use Requires a Planning Board Permit

SECTION IV: SCHEDULE OF USES (Cont.)

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. **USES ALLOWED WITHOUT A PERMIT:** Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be permitted upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed in the schedule.
2. **USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT:** Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.
3. **USES REQUIRING A PLANNING BOARD PERMIT:** Uses substantially similar to those requiring a Planning Board Permit, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses shall be prohibited.

E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

F. SCHEDULE OF USES

DISTRICTS

<i>ACTIVITIES</i>						
1. NON-COMMERCIAL RECREATIONAL ACTIVITIES	VD	MRD	I	<i>IFD</i>	<i>RR</i>	
a) Primitive recreational uses, including fishing, hunting, hiking, snowshoeing, cross country skiing, photography and wildlife study;	Y	Y	Y	Y	Y	
b) Public parks and recreation areas;	Y	Y	Y	Y	Y	
c) Trails, provided they are constructed and maintained so as to avoid sedimentation of waterbodies;	Y	Y	Y	Y	Y	
d) Motorized vehicular traffic on roads and trails, and snowmobiling;	Y	Y	Y	Y	Y	
e) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	C	C	C	

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

F. SCHEDULE OF USES

DISTRICTS

<i>ACTIVITIES</i>					
2. RESOURCE MANAGEMENT ACTIVITIES	VD	MRD	I	IFD	RR
a) Wildlife/fishery mgmt practices;	Y	Y	Y	Y	Y
b) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;	Y	Y	Y	Y	Y
c) Surveying and other resource analysis;	Y	Y	Y	Y	Y
d) Forest management activities <u>not including</u> timber harvesting, pesticide and fertilizer application;	C	C	C	C	C
e) Agricultural management activities, <u>not including</u> pesticide and fertilizer application;	Y	Y	Y	Y	Y
f) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;	Y	Y	Y	Y	Y
g) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located;	Y	Y	Y	Y	Y
h) Accessory uses and structures that are essential for the exercise of uses Listed above.	C	C	C	C	C

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

<i>ACTIVITIES</i>					
3. RESOURCE/MINERAL EXTRACTION ACTIVITIES	VD	MRD	I	IFD	RR
a) Commercial timber harvesting;	N	Y	Y	Y	Y
b) Production of commercial agricultural products;	N	P	P	P	P
c) Resource/Mineral extraction for road purposes only, affecting an area of less than 2 acres in size;	N	P	P	P	P
d) Resource/Mineral extraction operations for any purpose affecting an area 2 acres or greater in size, including corridors for energy or transmission purposes.	N	P	P	P	P
e) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells;	N	P	P	P	P
f) Accessory use and structures that are essential for the exercise of uses Listed above.	N	P	P	P	P

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

<i>ACTIVITIES</i>						
4. RESIDENTIAL ACTIVITIES	VD	MRD	I	IFD	RR	
a) Single-Family Detached Dwelling;	C	C	N	N	C	
b) Single-Family Mobile Home;	C	C	N	N	C	
c) Multi-Family Dwelling: Duplex;	P	P	N	N	N	
d) Multi-Family Dwelling: 3 or more families, including apartments;	N	P	N	N	N	
e) Mobile Home Park;	N	P	N	N	N	
f) Nursing Home/Boarding Care;	P	P	N	N	N	
g) Home Occupations;	C	C	N	N	C	
h) Accessory uses or structures that are essential for the exercises of uses listed above.	C	C	N	N	C	

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

<i>ACTIVITIES</i>					
5. INSTITUTIONAL ACTIVITIES	VD	MRD	I	<i>IFD</i>	<i>RR</i>
a) Hospital and Medical Clinic;	P	P	N	N	N
b) Government Facilities and Services;	P	P	N	N	N
c) Public Schools;	P	P	N	N	P
d) Private Schools (Under 15 Students);	P	P	N	N	P
e) Day Care Centers;	N	N	N	N	P
f) Day Care Homes	P	P	N	N	P
g) Churches;	P	P	N	N	P
h) Cemeteries;	P	P	N	N	P
i) Fraternal Orders and Service Clubs;	P	P	N	N	P
j) Post Secondary Education Facilities;	P	P	N	N	P
k) Fish & Game/Recreation based facilities;	P	P	N	N	P
l) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	N	N	C

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

<i>ACTIVITIES</i>					
6. COMMERCIAL ACTIVITIES	<i>VD</i>	MRD	I	<i>IFD</i>	<i>RR</i>
a) Automobile Supplies;	C	N	N	N	N
b) Automobile Body Repair	C	N	N	N	N
c) Automobile Repair/Service;	C	C	N	N	N
d) Automobile Sales;	C	N	N	N	N
e) Banks/Credit Unions;	C	N	N	N	N
f) Beauty Shops;	C	C	N	N	N
g) Greenhouse;	C	N	N	N	N
h) Clothing Store;	C	C	N	N	C
i) Florist Shop/Craft Shop; Art Studios; Art Galleries; Art Instruction	C	C	N	N	N
j) Fuel Oil Sales;	C	N	N	N	N
k) Funeral Home;	C	C	N	N	C
l) Grocery Store;	C	C	N	N	C
m) Hardware Store;	C	N	N	N	C
n) Professional Offices;	C	C	N	N	C

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

ACTIVITIES					
6. COMMERCIAL ACTIVITIES	VD	MRD	I	IFD	RR
o) Professional Office Complex;	P	P	N	N	C
p) Pharmacy;	C	N	N	N	C
q) Restaurant;	C	C	N	N	C
r) Recreation Vehicles Sales and Service;	C	N	N	N	C
s) Sporting Goods;	C	N	N	N	C
t) Take Out Restaurant (No interior seating);	C	C	N	N	C
u) Veterinary Clinic/Hospital;	C	C	N	N	C
v) Boarding Kennels/Stable/Animal Breeding or Care;	N	N	N	N	C
w) Bed and Breakfast;	C	C	N	N	N
aa) Motels, Hotels and Inns (Maximum 10 rooms)	P	P	N	N	N
bb) Motels, Hotels and Inns (More Than 10 Rooms)	P	P	N	N	N
cc) Inns/Hostels	P	P	N	N	N
dd) Campgrounds	N	N	N	N	P
ee) Retail Establishments (More Than 5,000 Sq Ft) not listed above;	P	P	N	N	N
ff) Retail Establishments (Less Than 5,000 Sq Ft, not listed above;	C	C	N	N	N
gg) Accessories, Uses and Structures that are Essential for the Exercise of Uses Listed Above.	C	C	N	N	C

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

<i>ACTIVITIES</i>					
7. INDUSTRIAL ACTIVITIES	VD	MRD	I	<i>IFD</i>	<i>RR</i>
a) Lumber Yard, Mill/Sawmill & Pulp Mill;	N	N	P	P	N
b) Transportation Facility and Terminal Yard;	N	N	P	P	N
c) Bulk Oil and Fuel Tank Storage in excess of 50 gallons except for on-site heating and cooking purposes;	N	N	P	P	N
d) Automobile Junk/Salvage Yard;	N	N	P	P	N
e) Wholesale Business Facility;	N	N	P	P	N
f) Light Manufacturing Assembly Plant;	N	N	P	P	N
g) Disposal of Solid Waste;	N	N	P	P	N
h) Disposal of Hazardous Leachable Materials;	N	N	P	P	N
i) Concrete Plant;	N	N	P	P	N
j) Sewage Treatment Facility;	N	N	P	P	N
k) Accessory uses and structures that are essential for the exercise of uses listed above.	N	N	P	P	N

Land Use Ordinance of the Town of Monson, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

DISTRICTS

<i>ACTIVITIES</i>					
8. TRANSPORTATION AND UTILITIES	VD	MRD	I	<i>IFD</i>	<i>RR</i>
a) Land management roads and water crossings of minor flowing waters;	P	P	P	P	P
b) Land management roads and water crossings of standing waters and of major flowing waters;	P	P	P	P	P
c) Road Construction Projects, other than land management roads;	P	P	P	P	P
d) Privately-owned Limited Access Arterial Highways and energy/utility corridors;	N	N	N	N	N
e) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review;	P	P	P	P	P
f) Minor Utility Facilities including Service Drops;	Y	Y	Y	Y	Y
g) High Voltage Power Transmission Lines; Natural Gas Lines and/or Petroleum Pipelines.	N	N	N	N	N
h) Major Utility Facilities, such as Transmission Lines, water supply and sewage treatment facilities not including service drops;	P	P	P	P	P
i) Small Scale Wind Energy Facility/System	P	P	C	C	C
j) Large Scale Wind Energy Facility/System	N	N	P	P	P
k) Transmission Tower	N	P	P	P	P
l) Airport Terminal Building and Airport Uses;	P	P	P	P	P
m) Accessory uses and structures that are essential for the exercise of uses listed above.	P	P	P	P	P

SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Monson into districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

This regulatory approach has been termed "performance zoning" because it permits a use to be developed on a particular parcel only if the use on that parcel meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL STANDARDS

1. ACCESSORY USES

An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer and/or Planning Board.

2. ACCESS REQUIREMENTS

All road entrances, curb cuts, and driveways shall be designed, considering land topography, street design, and existing and expected traffic patterns, so as to promote to the greatest practical extent possible, safe pedestrian and vehicular traffic and to protect public safety. Driveways and roads in multi-family housing projects shall be designed and laid out to provide for adequate traffic circulation and for access for emergency service vehicles to every housing unit on the premises.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

3. AGRICULTURAL MANAGEMENT ACTIVITIES

Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters.

NOTE: Phosphorous allocation is addressed through implementation of the Town of Monson Subdivision Regulations.

4. AIR POLLUTION

Air pollution control and abatement shall comply with applicable minimum Federal and State requirements.

5A. BUFFERS

Buffer strips may be required along property lines where the reviewing authority (Code Enforcement Officer or Planning Board) determines it desirable and necessary to accomplish the following:

- a. To shield incompatible uses from one another;
- b. To block prevailing winds to stop wind borne debris from leaving development site;
- c. To prevent any proposed lighting from interfering with residential properties or with safe driving;
- d. To minimize visual impact of all exposed storage areas, sand and gravel extraction operations, timber harvesting operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas, and loading and unloading areas.

5B. BUILDING STANDARDS: The following provisions apply to new and pre-existing Residential and Commercial buildings located within the Village District.

- a. All dumpsters and ground located mechanical shall be screened from view of a public road.
- b. Side yards shall be landscaped, maintained and may be used as driveways, pedestrian pathways and semi-public spaces, such as restaurant patios.
- c. All buildings shall have a front door entry facing the street or front yard.
- d. No building facing or visible from a street shall have more than fifteen (15) feet horizontally of windowless wall unless overall design is approved by the Planning Board.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

e. Building Materials:

1. The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building exterior, with the exception of use in the buildings foundation.
2. Vinyl and aluminum siding may be used when siding is detailed to be consistent with traditional sizes and proportions. Detailing shall be similar to traditional wood construction. The type of detailing expected would be wide corner boards, deep water table trim, thick eaves with deep frieze boards and integrated J-channel trim. Asphalt and asbestos shingles are prohibited.
3. Commercial Buildings with advertising icon images built into their design (trademark buildings) are prohibited.

f. Building Proportions:

1. Traditional proportions shall be utilized matching height to width proportions from 1 to 1 to 1 to 3, not including roof pitch.

5C. BUILDING STANDARDS FOR ALL DISTRICTS:

- a. Foundations: Except when erected on solid rock or equivalent, all year round-dwellings and commercial buildings, including mobile homes, shall be set on a masonry foundations wall not less than eight inches thick, carried to hard pan or a depth of three feet, whichever is more appropriate, or upon a poured concrete slab at least 6 (six) inches thick, properly drained and reinforced with conventional re-enforcing wire or better. A pressure-treated wood, concrete or metal post foundation carried to hard pan may also be used.
- b. Exterior Finish: The exterior walls of all dwellings, commercial structures, and buildings accessory thereto, shall be finished with a covering of clapboards, wood siding, wood shingles, masonry, brick, stone or other materials except tarred paper (commercially known as felt paper), or similar materials, which shall not be approved as exterior wall coverings. The use of tarred paper as permanent roof covering is prohibited. The use of house wraps as a permanent exterior covering is prohibited.
- c. Burned-Out Buildings: Owners of all burned out buildings have six months for cleaning out the burned out buildings, with all metal removed and hauled away appropriately, with cellar holes filled in, if the structure is not being rebuilt.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

d. Household Solid Waste: All household solid waste must be disposed of in an appropriate time frame. Accumulations on premises are NOT acceptable.

6. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed development shall be in conformity with the Comprehensive Plan and Policy Statements of the Town contained within the Plan and with the provisions of all-pertinent local ordinances and regulations, State laws and Federal regulations.

7. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and locally adopted Town of Monson Floodplain Management Ordinance, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the 100- year flood elevation.

8. CONVERSIONS

- a. Conversions of existing structures into multi-family units, in Districts permitting multi-family dwellings, may be permitted provided that:
 - aa. Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided;
 - bb. Approval of conversion plans by the fire, electrical and plumbing inspector(s) is required prior to issuance of a land use permit;
 - cc. Each dwelling unit shall be at least three-hundred fifty (350) square feet in area for one (1) bedroom units plus one-hundred and fifty (150) square feet for each additional bedroom;
 - dd. Each unit shall be provided with adequate rubbish disposal facilities.

9. DENSITY BONUS PROVISIONS

If a project is a planned development or cluster development, the minimum lot area per dwelling unit may be reduced by the amount shown below within all district designations. In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

- a. A density bonus of ten (10) percent, if ten (10) percent to less than twenty-five (25) percent on the site shall be permanently preserved as open space;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

C. GENERAL STANDARDS (Cont.)

- b. A density bonus of twenty (20) percent, if twenty-five (25) percent to less than forty (40) percent of the site shall be permanently preserved as open space;
- c. A density bonus of thirty (30) percent, if forty (40) percent or more of the site shall be permanently restricted as open space.

10. DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIALS

- a. Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage: human health, animals, vegetation, or property, must comply with State and Federal standards.

11. EROSION AND SEDIMENTATION CONTROLS

The following measures relating to conservation, erosion, and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

- a. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages; and
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - 1. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - 2. Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - 3. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
 - 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - 5. The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - 6. Disturbed soils shall be stabilized as quickly as practicable;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

7. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
8. Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Department of Environmental Protection's Best Management Practices for Erosion and Sedimentation Control or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
9. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods;
10. The top of the cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjacent property, unless otherwise specified by the Planning Board;
11. During grading operations, methods of dust control shall be employed wherever practicable;
12. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible;
13. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

12. HOME OCCUPATIONS

- a. The purpose of the Home Occupation provision is to permit the conduct of those businesses that are compatible with the Districts in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure;
- b. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

1. It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit;
2. It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than one employee.
3. It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.

c. All home occupations shall conform with the following conditions:

1. The home occupation shall be carried on wholly within the dwelling or accessory structure;
2. The home occupation shall be conducted only by a member or members of the family residing in the dwelling unit, and/or not more than one employee;
3. Exterior signs shall be not greater than 2 square feet, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building;
4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted;
5. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood;
6. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours;
7. The home occupation may utilize:
 - a. Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

- b. Basement spaces;
 - c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit.
 - d. Unfinished attic spaces to be used for storage only.
8. Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted.

13. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

- a. **Danger**
No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.
- b. **Vibration**
With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- c. **Wastes**
No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake, or swamp. Industrial wastewater may be discharged to municipal sewers only and in such quantities and quality as to be compatible with existing municipal facilities.
- d. **Noise**
Offensive noise shall not be transmitted beyond lot lines so as to cause disturbance to neighboring residential properties.

14. JUNKYARDS:

No junkyards as defined in this Ordinance shall be established, operated or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and local requirements, and the following provisions:

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

- a. Junkyards shall be located a minimum of two hundred (200) feet from the edge of the right of ways, and shall be set back on hundred (100) feet from all side and rear lot lines;
- b. Junkyards shall be located a minimum of three hundred (300) feet from any public park, facility or grounds; and
- c. Junkyards shall be entirely screened from view by earth berms or fences which shall be well constructed and properly maintained at a minimum of six (6) feet and sufficient to accomplish the complete screening from ordinary view.

In addition, the following provisions apply to the operation of junkyards:

- d. Upon arrival at the junkyard, all petroleum and other hazardous fluids shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be removed to avoid injury and accidents.
- e. Tire shall be removed and disposed of within sixty (60) days at a duly licensed disposal facility. Proof of disposal shall be provided to the Code Enforcement Officer upon request.
- f. The complete processing of vehicles into salvage materials shall be accomplished within six (6) months.
- g. All junk and salvage material shall be stored within the screened fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.
- h. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed facility.
- i. The Planning Board and/or Code Enforcement Officer may recommend the application of more stringent restrictions and /or limitations, and stipulate reasonable conditions which shall be attached to the permit covering the operation and use of the junkyard prior to the Planning Board's issuance of the permit including an annual inventory.

15. LANDSCAPING

Development proposed within the industrial and commercial districts shall be landscaped to the extent possible as to maintain the aesthetic appearance of the property and preserve as much natural vegetation as possible on the site.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

16. LIGHTING DESIGN STANDARDS

All exterior lighting shall be designed to minimize adverse impact on neighboring properties.

17. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS

See "B. Dimensional Requirements" in this Section.

18. MANUFACTURED HOUSING

- a. Intent: It is the intent of this Ordinance to provide a variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community. To this end, this ordinance allows the siting of all types of manufactured housing within designated areas of the Town regardless of their construction date or compliance with all the standards of the Manufactured Home and Construction Safety Standards of the Department of Housing and Urban Development, adopted in 1976. The Town does hereby require however, that all manufactured housing sited within the Town of Monson meet certain minimum safety and design criteria.
- b. Minimum Safety Standards: All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Monson after the effective date of this ordinance, shall meet or exceed the following minimum standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer.
- c. HUD Approval Sufficient: All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Homes Construction and Safety Standards as revised shall be deemed to have fulfilled the requirements of this section.
- d. Minimum Electrical Safety Standards: All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:
 1. 100 Ampere Entrance required;
 2. Copper wiring required;
 3. Two means of grounding required;
 4. Ground faulting receptacles required;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

In addition, all electrical installation or modifications to existing manufactured housing shall be inspected by and certified by an electrician licensed by the State of Maine or the Municipal Code Enforcement Officer if duly appointed as certified electrical inspector.

- e. Minimum Fire Prevention Standards: All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Department of Housing and Urban Development (HUD)
 - 1. Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions thereto or accessory structures located on the same lot;
 - 2. Be located on a permanent foundation at a minimum of a gravel pad. Pad must be 8" compacted and the manufactured home must be blocked with 2x2 pressure treated at the blocking points unless otherwise specified by a duly adopted building code;
 - 3. Permanent skirting shall be installed within thirty (30) days of siting;
 - 4. Provide a safe means of egress and ingress to and from the manufactured home including stairs with handrails when applicable.

19. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities, including the removal of topsoil, shall apply in all Districts:

- a. All exploration/extraction activities, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
- b. No portion of any ground area disturbed by the extraction activity shall be closer than 25 feet from a public roadway;
- c. Within 250 feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- d. A natural vegetation screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads;
- e. If any mineral extraction operation located within 75 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter;
- f. Extraction operations (gravel pit, etc.) shall not be permitted within one hundred (100) feet of any property line without a written agreement of consent between property owners;

20. MOBILE HOME PARK STANDARDS

Notwithstanding other provisions of this Ordinance relating to bulk and use, the Planning Board, in reviewing submitted plans for proposed mobile home parks, may modify said provisions related to space, bulk and use to permit innovative approaches to environmental design in accordance with the following standards:

- a. There shall be compliance with all State and local codes and ordinances;
- b. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters located and designed so as not to be unsightly or hazardous to the public;
- c. No mobile home shall be located closer than thirty (30) feet to a street or adjacent mobile home;
- d. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot, such access shall have a minimum of a fifty (50) foot right of way and a twenty (20) foot road width. All parks streets shall be well drained, maintained in good condition, and adequately lighted by night;
- e. Dead end streets shall be limited in length to one thousand (1,000) feet and at the closed end shall be provided with a turn-around having a minimum radius of sixty (60) feet;
- f. Off-street parking in all mobile home parks shall be furnished at the rate of at least two (2) cars spaces for each mobile home located on the mobile home lot;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

21. OFF-STREET PARKING

- a. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District;
- b. Required off-street parking spaces shall be provided;
- c. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board.
 1. Dwellings - Two (2) parking spaces for each dwelling unit;
 2. Transient Accommodations:
 - a. Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns with 10 rooms or less -- Two (2) parking spaces plus one space for each guest room; and
 - b. Motels, hotels, boarding houses, and inns with more than 10 rooms -- One (1) parking space for each guest room plus one (1) space for each three (3) employees;
 3. Schools -- Five (5) parking spaces for each classroom plus one (1) space for each four (4) employees;
 4. Hospitals (bed facilities only) – One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy;
 5. Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed assets;
 6. Retail Stores – One (1) parking space for every two hundred (200) square feet of retail area, plus one for every two employees.
 7. Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

8. Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas.

9. Other Commercial Recreation Establishments (mini golf courses, etc.) - The number of spaces deemed appropriate by the Planning Board; and

10. Industrial – One (1) parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

22. OFF-STREET LOADING

Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces when meeting parking requirements.

23. OIL AND CHEMICAL STORAGE

- a. All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 560 et.seq., which among other things establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities; and compliance with any duly adopted building codes and ordinances of the Town of Monson.
- b. When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

24. PESTICIDE APPLICATION

Pesticide application in any of the Districts shall not require a permit provided such application is in conformance with applicable State and Federal statutes and regulations. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guidelines established for it in the Safe Drinking Water Standard, EPA Health Advisory. Any violation of this standard shall be cause to order the immediate stop of the use or activity responsible for the contamination. The landowner shall be responsible for the cost of all remedial actions.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

25. PREHISTORIC AND ARCHAEOLOGICAL RESOURCES

Proposals submitted under this Ordinance shall not negatively impact prehistoric and archaeological resources nor present any threat to those resources. It shall be burden of the applicant to satisfy the reviewing authority that such threat does not exist as requested and when applicable.

26. REFUSE DISPOSAL

- a. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.
- b. The impact of particular industrial or chemical wastes or by-products upon the sanitary facilities (in terms of volume, flammability or toxicity) shall be considered and the applicant may be required to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The applicant must specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

27. SEWAGE DISPOSAL

- a. Subsurface Sewage Disposal - No permit shall be issued for a project with subsurface sewage disposal unless:
 1. There is an area of suitable soils according to the Subsurface Waste Water Disposal rules of sufficient size to accommodate the proposed system;
 2. An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules; and
 3. In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution;

No development shall be permitted which utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

28. SIGNS

a. Conformance of Signs

No sign shall be hereafter erected, altered or maintained, within the limits of the Town of Monson, Maine except in conformance with the provisions of this section.

b. Signs Prohibited

No sign, whether new or existing, shall be permitted within the Town of Monson, Maine which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction of existing signs.

c. Temporary Signs

The following temporary signs are permitted provide said signs conform to all standards of this section and all other municipal, federal and state ordinances, statutes and/or regulations:

1. Temporary Signs Giving Notice

Signs of a temporary nature, such as political posters, advertisements or charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days, provided that the persons who posted the signs shall be responsible for their removal.

2. Temporary Yard Sale Signs

Temporary yard sale signs are permitted provided they do not exceed the size standards of Subsection (e) and provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than three (4) consecutive days are considered commercial use.

d. Sign Requirements

All signs within the limits of the Town of Monson shall meet the following requirements:

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

1. No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All free standing signs shall be set back a minimum of eight (8) feet from property lines in all Districts.
2. No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights;
3. No sign shall exceed 25 feet in height above grade at sign location;
4. Signs may be illuminated only by shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.
5. Roof signs shall not extend more than 10 feet above the roof line;
6. Signs in the Industrial District. No more than two free standing signs per use. Signs may be double-faced. No larger than 100 square feet in area and no higher than 25 feet in height.

e. Off Premise Signs

No off premise sign shall be erected or maintained in the Town of Monson except in conformity with the MRSA Title 23, Section 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Monson in such a location and in such a manner as allowed under Title 23, Section 1901-1925 and under the rules and regulations of the Department of Transportation of the State of Maine.

f. Exempt Signs

The following signs are exempt from the provisions of this section except as otherwise provided for herein:

1. Traffic control signs, signals, and/or other devices regulating or enhancing public safety erected by a governmental body.

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

29. SITE CONDITIONS

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit; and
- c. No changes shall be made in the elevation or contour of the lot or site by the removal or earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer.

30. SOILS

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and similar intensive land uses shall require a soils report, prepared by a duly licensed individual as appropriate for the project.

31. TEMPORARY STORAGE

Portable or mobile trailers, vans, and similar vehicles or temporary buildings, including boxcars, may be used for storage, only upon approval of the Code Enforcement Officer and only for temporary period not to exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for successive periods of six (6) months each, if a finding can be made that the use:

- a. Does not diminish area requirements of set forth for the District in which it is located;
- b. There is a valid temporary need which cannot be met with the principal structure and that adequate economic hardship can be shown;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- c. The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance;
- d. The use is not intended as a permanent or long-term use;
- e. The use is not intended to circumvent building area limitations for the District in which it is located or prolongs the use of facilities that have been outgrown;
- f. Will be adequately screened from neighborhood properties and the street;
- g. Will not be used as or intended for advertising for on or off premise purposes; and
- h. Is not intended for retail sales.

The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractors name shall be permitted and that such signs meet the sign requirements of this Ordinance.

32. TOPSOIL AND VEGETATION REMOVAL

- a. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations;
- b. Except for normal thinning, landscaping, cutting or trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a developer to take measures to correct and prevent soil erosion in the proposed development.

33. TRANSIENT ACCOMMODATIONS: "BED AND BREAKFAST"

"Bed and Breakfast" accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that:

- a. The maximum number of guests at any time is ten (10) persons;
- b. The maximum number of guestrooms is three (3);
- c. Breakfast is the only meal provided by the host family;

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- d. One (1) sign not to exceed four (4) square feet is permitted on the premises; and
- e. The “Bed and Breakfast” operation shall not have any adverse effect on the neighbors.

34. TRANSIENT ACCOMMODATIONS: "RENTAL CABINS AND COTTAGES"

To insure the health, safety, and welfare of guests and the occupants of neighboring properties, the following requirements shall be met:

- a. Each cabin or cottage site shall meet the minimum lot size requirements of a single family detached dwelling in the applicable District;
- b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each cabin or cottage;
- c. Each cabin or cottage shall be set back a minimum of fifty (50) feet from the exterior lot lines;
- d. Each cabin or cottage shall be provided with a safe and adequate means of sewage, garbage and rubbish disposal, water supply and fire protection;
- e. Adequate storm water drainage shall be provided for each cabin or cottage site; and
- f. Each cabin or cottage site shall be appropriately landscaped.

35. TRANSIENT ACCOMMODATIONS: “INNS AND HOSTELS”

Transient Accommodations of these types are those facilities designed to accommodate overnight or short-term guests and are primarily associated with recreational activities such as hikers from the Appalachian Trail. These accommodations may include such facilities as lodging, lodging with meals, shower facilities, parking and other amenities associated with daily and weekly recreational use.

36. CAMPER TRAILERS AND RECREATIONAL VEHICLES

- a) The use of Camper Trailers and Recreational Vehicles for permanent dwellings is prohibited.
- b) Camper Trailers and Recreational Vehicles being used as a seasonal dwelling and placed on a lot for more than 120 days, must meet the State Plumbing Code and Municipal Building Code, OR show proof of a Septic Disposal Plan.

Land Use Ordinance of the Town of Monson, Maine

37. TRANSMISSION TOWERS/TELECOMMUNICATIONS FACILITY

No tower shall be hereinafter erected, altered or maintained, within the limits of the Town of Monson, Maine except in conformance with the provisions of this section. The Town may elect to require a surety prior to the construction of any tower

- a. Tower Requirements: All towers within the limits of the Town of Monson shall meet the following requirements:

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

1. Priority of Location: New wireless telecommunications facilities must be located according to the priorities listed below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.

Priority 1: Co-location on an existing wireless telecommunications facility or other existing structure within any District.

Priority 2: A new facility on public or private property in the Industrial District or permitted as a commercial use.

Priority 3: A new facility on public or private property in the Rural Residential District.

Priority 4: A new facility on public or private property in the Mixed Residential District.

2. Siting on Municipal Property: If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:

1. The proposed location complies with applicable municipal policies and ordinances.
2. The proposed facility will not interfere with the intended purpose of the property.
3. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

3. Structural Standards: A new wireless telecommunications facility must comply with the current Electronic Industries Association/

Land Use Ordinance of the Town of Monson, Maine

Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

4. Lighting: A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable requirements and be down directional to retain light within the boundaries of the site.

5. Color and Materials: a new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

6. Landscaping: All new wireless telecommunications facility shall be screened with native plants from the view of abutting property owners to the maximum extent possible and landscaped to conform to the surrounding area.

7. Fencing: A new telecommunications facility must be fenced to discourage trespass on the facility. As deemed appropriate by the Planning Board, sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated to reduce the potential for trespass and injury.

b. Visual impact: The proposed wireless telecommunications facility will have no unreasonable adverse impact upon scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency. The following submissions are required as a basis for the Planning Board to determine visual impact:

1. A tree line elevation drawing depicting vegetation within two-hundred (200) feet of the proposed facility;
2. Details regarding the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

Land Use Ordinance of the Town of Monson, Maine

3. Details or drawings indicating the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s) such as passing motorists;
4. A description of the amount and location of proposed vegetative screening;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

5. The distance of the proposed facility from scenic areas and scenic views the viewpoint and the facility's location within the designated scenic resource; and
6. A narrative regarding the presence of reasonable alternatives would that allow the facility to function consistently with its purpose?

c. Setbacks: The center of the base of any proposed telecommunications tower must be setback a minimum of 125% of the towers height, or the required minimum property line setback of the district in which it is located, whichever is greater. No part of the tower structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required setback or in any required buffer area, both on the ground or in the air space above the ground. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, power line support device, water tank or other similar structure.

1. Historic and Archaeological properties: The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which may be listed on or eligible for listing on the National Register of Historic Places.

- d. Abandonment: A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned. If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction

Land Use Ordinance of the Town of Monson, Maine

condition, including the removal of roads, and reestablishment of vegetation. If a surety has been required by the Planning Board and given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- e. Exempt Towers: The following towers are exempt from the provisions of this section:
 - 1. Emergency wireless telecommunications facilities.
 - 2. Amateur (ham) radio stations.
 - 3. Parabolic Antenna. Parabolic antennas (Satellite Dishes) less than seven (7) feet in diameter, that are an accessory use of the property.
 - 4. Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
 - 5. Temporary wireless telecommunications facilities.
 - 6. Antennas as a residential accessory use.

38. WIND ENERGY FACILITIES/SYSTEMS

1. SMALL SCALE WIND ENERGY SYSTEM/ FACILITY (SWES)

A. Site/System Dimensional Requirements:

Existing Lots: The minimum site area for a SWES shall be one-half (1/2) acre on existing lots unless the system is roof mounted. Each additional free standing SWES shall require an additional two (2) acres.

New Lots: The minimum of two (2) acres is required on newly created lots.

Limitation: No more than three (3) SWES are allowed on any

Land Use Ordinance of the Town of Monson, Maine

one lot regardless of size.

1. Setback: A SWES shall be set back at least the total system height at its maximum extent, plus ten feet, from the nearest property line, public road, or public utility line.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

2. Visual Impact: A SWES shall not be placed so as to make a significant adverse impact on an important local scenic view as defined by the most recent Comprehensive Plan of the Town of Monson. A SWES shall not impede scenic views from existing structures.

B. System Design Requirements:

1. Mounting Requirements: The mounting tower and ground installations (foundations, anchors) on a *free standing system*, shall be designed and constructed to adequately support both the weight and the operational stresses of the SWES. *Roof and building mounting systems* shall be designed to adequately support both the weight and the operational stresses of the SWES.

2. Safety:

- a. All associated electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- b. The SWES shall be installed so that no step bolts or ladders are less than 12 feet above ground, to prevent public access.
- c. The blades of a free standing SWES shall have a minimum clearance of 25 feet above the ground.
- d. All on site electrical wiring to and from the SWES shall be installed underground, except for necessary tie-ins to public utility poles, towers and lines.
- e. The SWES shall not cause audible noise in excess of 5dBA, or low frequency noise in excess of 20dBC, above ambient, non-operating noise levels as measured at the nearest property line.

Land Use Ordinance of the Town of Monson, Maine

f. SWES shall be equipped with both manual and automatic over-speed controls.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

g. The SWES shall be located and operated in such a way that it will not disrupt the transmission or reception of electromagnetic signals beyond the site. If a SWES can be demonstrated to cause disruptive interference beyond its site, the system operator shall promptly eliminate the interference or cease operation of the system upon request of the Code Enforcement Officer.

3. Visual Appearance:

a. No signs are permitted on the SWES or its mounting except those appropriate for manufacturer or installer identification and information, or the safety warnings.

b. No SWES or its mounting shall be lighted unless required by the FAA.

4. Abandonment: A SWES that has not generated electricity for twelve consecutive months and fallen into disrepair may be deemed abandoned, and shall be removed by the property owner within 120 days of receipt of notice from the Town of Monson. The Town may require that the owner/operator post performance bonds. The Town may also require that the owner/operator provide an estimate from a qualified source.

2. LARGE SCALE WIND ENERGY SYSTEM/FACILITY (LWES)

Special Considerations: Due to the potential long term impact of a Large Wind Energy System, the Planning Board may require an escrow fund or other performance guaranty from the applicant to pay for independent engineering, consulting, legal studies or reviews of the proposed project. Such studies may include, but not limited to: 1) pre-construction studies of the impact of the proposed project on the

Land Use Ordinance of the Town of Monson, Maine

environment, wildlife habitat, or noise levels, and 2) post-construction studies to monitor and address any negative impacts with respect to the environment or public health, safety and welfare.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

A. Site Requirements:

1. Setback: A LWES must have a minimum setback of 1.5 times its maximum height from the nearest property line, publicly traveled road, or public utility line, and a minimum setback of 1.5 times its maximum height from the nearest occupied structure at the time of submission of the site plan.
2. Visual Impact: A LWES shall not be placed so as to make a significant adverse impact on an important local scenic view as defined by the most recent Comprehensive Plan of the Town of Monson. A LWES shall not impede scenic views from existing structures.

B. System Design Requirements:

1. Safety:

- a. All associated electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- b. The LWES shall be installed so that no step bolts or ladders are less than 15 feet above ground, to prevent public access.
- c. The blades of a free standing LWES shall have a minimum clearance of 25 feet above the ground.
- d. All on site electrical wiring to and from the LWES shall be installed underground, except for necessary tie-ins to public utility poles, towers and lines.
- e. SWES shall be equipped with both manual and automatic over-speed controls.

Land Use Ordinance of the Town of Monson, Maine

3. Visual Appearance:

- a. The LWES shall be of a solid, neutral, non-reflective color, such as off-white or light gray.
- b. No signs are permitted on the LWES or its mounting except those appropriate for manufacturer or installer identification and information, or the safety warnings.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- c. No LWES or its mounting shall be lighted unless required by the FAA.

4. Public Health and Safety

- a. Noise: The LWES shall not cause audible noise in excess of 5dBA, or low frequency noise in excess of 20dBC, above the ambient, non-operating noise levels as measured at the nearest property line.

- b. Shadow Flicker/Reflections: A LWES shall be designed and sited such that shadow/reflections (changes in light intensity or shadows on the ground or structures caused by LWES blade rotation) shall not affect an off-site occupied structure for more than 10 hours per year.

- c. Electromagnetic Interference: The LWES shall be located and operated in such a way that it will not disrupt the transmission or reception of electromagnetic signals beyond the site.

- d. If a LWES can be demonstrated to cause excessive noise, excessive shadow flicker on an affected structure, or disruptive electromagnetic interference beyond the site, the system operator shall promptly take steps to eliminate the problem or cease operation of the system.

- e. An owner of property adjacent to the LWES site may waive any applicable noise, signal transmission, or shadow flicker/reflection restrictions by entering a legal agreement with the LWES developer. A copy of any such agreement(s) must be provided to the Planning Board.

- 5. Abandonment/Decommissioning: A LWES that has not generated electricity for twelve consecutive months and/or

Land Use Ordinance of the Town of Monson, Maine

fallen into disrepair may be deemed abandoned, and shall be removed by the facility owner/operator within 120 days of receipt of notice from the Town of Monson. The Town may require that the owner/operator post a performance guaranty prior to construction in order to assure funds for turbine removal and site restoration in case of abandonment or other cessation of operations of the facility.

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS

All structures and uses shall conform to the following dimensional requirements:

Village District (VD) Dimensional Requirements

Minimum Lot Size	20,000 Square Feet
Minimum Lot Size Per Dwelling Unit	10,000 Square Feet
Minimum Road Frontage	100 Feet
Minimum Front Yard Setback from Center of Road	50 Feet (Local) 75 Feet (State)
Minimum Side Yard Setback	10 Feet
Minimum Rear Yard Setback	10 Feet
Maximum Building Height	35 Feet

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements;

Mixed Residential District (RD)

Dimensional Requirements

Minimum Lot Size:	7,500 Sq. Ft. (Municipal Sewer) 40,000 Sq. Ft (Subsurface)
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Commercial	30,000 Sq. Ft.
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Mobile Home Park	
Municipal Sewer	6,500 Sq. Ft.
Central On-Site	12,000 Sq. Ft.
Subsurface	20,000 Sq. Ft.

Minimum Road Frontage:	
7,500 Sq. Ft. Lot	50 Feet
40,000 Sq. Ft. Lot	200 Feet
30,000 Sq. Ft. Lot	150 Feet

Mobile Home Park:	Per Mobile Home Park Ordinance
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Minimum Front Yard Setback from Center of Road :	50 Feet (Local) 75 Feet (State)
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Minimum Side Yard Setback:	
40,000/30,000 Sq. Ft. Lot	25 Feet
7,500 Sq. Ft. Lot	10 Feet

Minimum Rear Yard Setback:	
40,000/30,000 Sq. Ft. Lot	25 Feet
7,500 Sq. Ft. Lot	10 Feet

Maximum Building Height :	35 Feet
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Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements;

**Industrial District (I)
Dimensional Requirements**

Minimum Lot Size:	2 Acres
Minimum Lot Size per Unit:	2 Acres
Minimum Road Frontage:	250 Feet
Minimum Front Yard Setback from Road Center:	100 Feet
Minimum Side Yard Setback	40 Feet
Minimum Rear Yard Setback	50 Feet
Maximum Building Height	35 Feet

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements;

**Industrial Floating District (IFD)
Dimensional Requirements**

Minimum Lot Size	2 Acres
Minimum Lot Size per Unit	2 Acres
Minimum Road Frontage	250 Feet
Minimum Front Yard Setback from Center of Road:	100 Feet
Minimum Side Yard Setback	50 Feet
Minimum Rear Yard Setback	50 Feet
Maximum Building Height	35 Feet

Land Use Ordinance of the Town of Monson, Maine

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements;

**Rural Residential District (RR)
Dimensional Requirements**

Minimum Lot Size	2 Acres
Minimum Lot Size per Unit	2 Acres
Minimum Road Frontage	200 Feet
Minimum Front Yard Setback from Center of Road:	50 Feet
Minimum Side Yard Setback	25 Feet
Minimum Rear Yard Setback	25 Feet
Maximum Building Height	35 Feet

Land Use Ordinance of the Town of Monson, Maine

SECTION VI: ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this

Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. CREATION OF ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve or deny those applications on which he/she is employed to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

2. PLANNING BOARD

The Planning Board of the Town of Monson is hereby designated as the Planning Board heretofore, established in accordance with Article VIII, Pt.2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board shall be elected at the Annual Town Meeting of the Town of Monson.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

3. BOARD OF APPEALS

The Board of Appeals for the Town of Monson is hereby designated as the Board of Appeals heretofore, established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution and with Title 30-A, MRSA, Section 4353. The Board of Appeals shall be elected at the Annual Town Meeting of the Town of Monson.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer who shall oversee the permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING PERMIT

- a. **FLOOD HAZARD AREAS:** All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- b. **NEW CONSTRUCTION:** New construction of buildings or structures.
- c. **ALTERATION:** Alteration of a building, structure, or land, or parts thereof, including, but not limited to:
 - 1. Interior renovations for change in use;
 - 2. Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the existing amount of water used daily;
 - 3. Erection of Fences; and
 - 4. Creation of Roads and Driveways
- d. **PLACEMENT OF SIGNS:** Placement of signs except temporary signs.
- e. **MOVING OR DEMOLITION:** All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.
- f. **CHANGE OR USE:** The change of any premises from one category of land use to any other land use.
- g. **SECTION IV: SCHEDULE OF USES:** Any activity requiring a Land Use Permit in accordance with the Land Use Schedule of Uses.

2. PROCEDURE

- a. **APPLICATION:** All applications for a Code Enforcement Officer Permit shall be submitted, with appropriate fee, in writing to the Code Enforcement Officer on forms provided.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

- b. **SUBMISSIONS:** All applications for a Code Enforcement Officer Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:
 - 1. The actual shape and dimensions of the lot for which a permit is sought;
 - 2. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all waterbodies and wetlands within two hundred fifty feet (250') of the property lines;
 - 3. The existing and intended use of each building or structure;
 - 4. Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffers, private wells; and
 - 5. Such other information as may be reasonable required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.
- c. **TO WHOM ISSUED:** No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.
- d. **COMPLIANCE WITH LAND USE ORDINANCE:** All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.
- e. **DEADLINE FOR DECISION:** The Code Enforcement Officer shall, within thirty (30) days of receipt of an application: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance; refer the application to the Planning Board for their review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.
- f. **COPIES:** One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

- g. **POSTING:** The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.
- h. **COMMENCEMENT AND COMPLETION OF WORK:** Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty four (24) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty days prior to the expiration of the prior permit.

- i. **APPEALS:** Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

E. PLANNING BOARD PERMIT REVIEW

The Planning Board shall review all applicable Land Use Permit applications pursuant to Section IV, F., "Schedule of Uses".

- 1. **APPLICATION:** All applications for a Planning Board Permit shall be submitted, with applicable fee, in writing to the Code Enforcement Officer on forms provided.
- 2. **SUBMISSION:** All applications for a Planning Board Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:
 - a. Map drawn to scale.
 - b. Name of applicant
 - c. Boundaries of the tract of land.
 - d. Location of existing and proposed buildings and other structures, including use and proposed use thereof.
 - e. Location of buildings on abutting properties or within 300 feet of the property line of the proposed development.
 - f. Location of existing public streets.
 - g. Location of proposed access drives to the lot from public streets.
 - h. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

2. SUBMISSION (Cont.)

- i. Location of existing and proposed pedestrian walkways.
- j. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water, and electricity.
- k. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes etc..
- l. Location, intensity, type, size and direction of all outdoor lighting.
- m. Location and proposed use for areas proposed for outdoor recreation.
- n. Location and type of existing and proposed fences, hedges, and trees.
- p. Location and size of signs and all permanent outdoor fixtures.
- q. Zoning District classification.
- r. Setback dimensions from property lines and edge of paved way.

3. **TO WHOM ISSUED:** No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.

4. **COMPLIANCE WITH LAND USE ORDINANCE:** All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

5. **PUBLIC HEARING DEADLINE:** Within a maximum of forty-five (45) days after the filing of an application for a Land Use Permit, and before taking action thereon, the Planning Board may hold a public hearing on the application. Notice of said hearing shall be published in a local newspaper at least ten (10) days in advance of said hearing. A notice of said hearing shall be mailed to each landowner abutting the parcel involved. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any land owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the Planning Board Secretary. The applicant shall bear all associated costs of advertisements and notifications. The purpose of the public hearing shall be to receive input from the general public relative to the applicable sections of the review standards.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

6. **PLANNING BOARD REVIEW AND ACTION:** Within thirty (30) days after the public hearing, if one is held or thirty days (30) from the date of the Planning Board meeting in which the permit application is reviewed, the Planning Board shall approve, approve with modifications, or disapprove the application. The Board shall limit its review to the criteria and standards established within this Ordinance. The Board shall inform the applicant of its decision in writing, and in cases of disapproval or approval with modifications, reasons for such action shall be stated. A copy of the Board's decision shall be retained on file with the Code Enforcement Officer. A Land Use Permit shall not be issued unless approval of the application has been granted.
7. **COPIES:** One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.
8. **POSTING:** The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.
9. **COMMENCEMENT AND COMPLETION OF WORK:** Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

10. **APPEALS:** Appeals from decisions of the Planning Board may be taken pursuant to the provisions of this Ordinance.

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

G. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer or Planning Board, after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer or Planning Board that the proposed use:

1. Is a permitted use in the district in which it is proposed to be located;
2. Is in conformance with the applicable performance standards of Section V of this Ordinance;
3. Will not result in unsafe or unhealthful conditions;
4. Will not result in undue land, water or air pollution;
5. Will not result in undue erosion or sedimentation;
6. Will avoid problems associated with development in flood hazard areas;
7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
8. Will conserve significant natural, archaeological and historical resources;
9. The impact of the proposed use on transportation facilities;
9. Will not adversely impact the proposed use on public infrastructure;
10. Be consistent with the long range goals of the Comprehensive Plan, other adopted plans of the town, and the goals and purposes of the established districts.

H. VIOLATIONS

Violations of the terms and conditions of this Ordinance shall be corrected within 30 days of receipt of Notice of Violation, unless an extension of time is granted by the Code Enforcement Officer, said violation may void all permits.

I. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities for which approval has been granted under this Ordinance shall commence within six (6) months of the date of permit issuance and shall be completed within twenty-four (24) months of the date of permit issuance.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

J. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for the following:

1. Activities granted approval under the provisions of this Ordinance.
2. Any change in tenant housing.

K. ENFORCEMENT

1. NUISANCES

Any violation of this Ordinance shall be deemed to be a nuisance.

2. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. LEGAL ACTIONS

When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectpersons, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

4. FINES

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be liable for civil penalty of a minimum of \$100.00 - \$2,500.00 for each violation. Each day the violation continues shall constitute a separate violation.

5. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

L. APPEALS

1. ADMINISTRATIVE APPEALS

The Board of Appeals shall hear and decide appeals where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.

2. VARIANCES

The Board of Appeals shall authorize variances upon appeal, within the limitations set forth in this Ordinance.

- a. Dimensional variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements.
- b. Variances shall not be granted for establishment of any use otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - aa. The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
 - bb. The strict application of the terms of this Ordinance would result in an undue hardship.

The term "undue hardship" shall mean all of the following:

- 1. The land in question cannot yield a reasonable return unless a variance is granted;
- 2. That the need for a variance is due to the circumstances of the property and not to the general conditions in the neighborhood;
- 3. That the granting of a variance will not alter the essential character of the locality; and
- 4. That the hardship is not the result of action taken by the applicant or a prior owner.

Land Use Ordinance of the Town of Monson, Maine

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

L. APPEALS (Cont.)

2. VARIANCES (Cont.)

d. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living or regularly visits the property. The Board shall restrict any variance granted under this Sub-Section solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability.

e. The Board may grant a variance to a property owner from a setback requirement only when strict application of the Land Use Ordinance to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the petitioner has obtained the written consent of an affected abutting landowner, the 20% limitation may be extended. The term "undue hardship" for this section means:

- aa. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- bb. The granting of a variance will not alter the essential character of the locality;
- cc. The hardship is not the result of action taken by the applicant or a prior owner;
- dd. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- ee. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

3. APPEAL TO SUPERIOR COURT

An appeal may be taken within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

Land Use Ordinance of the Town of Monson, Maine

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

M. VARIANCES RECORDED

If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

N. FEE SCHEDULE

All applications fees for permit applications shall be paid to the Town of Monson in accordance with the fee schedule as established by the Selectpersons of the Town of Monson. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

1. Plumbing Permits. Fees for Plumbing Permits shall be pursuant to the established fee schedule of the Town of Monson.
2. Land Use Permits. Fees for Land Use Permits shall be pursuant to the established fee schedule of the Town of Monson.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:
 - a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
 - b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
 - c. The word "shall" is mandatory;
 - d. The word "may" is permitted;
 - e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and
 - f. The word "dwelling" includes the word "residence".

In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

2. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and there derivations shall have the meaning given herein.

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: A means of approach or entry to or exit from property.

Accessory Structure: See Structural Terms

Acre: A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Aggrieved Person: A person whose interests are damaged or adversely affected by a decision, action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

Attic: That part of a building that is immediately below, and wholly or partly within, the roof framing.

Automobile Sales: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile Repair Service: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

Bed and Breakfast: Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three guest rooms and 10 guests at any one time. Breakfast is the only meal, if any, to be provided for compensation.

Buffers: Units of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: A roofed structure. See Structural Terms.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Building Area: Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces or walls.

Building Front Line: A line parallel to the front lot line, transecting that point in the building face, which is closest to the front lot line. This face includes porches and steps.

Campground: Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc...

Certificate of Occupancy: Official certification that a premises conforms to provisions of the Land Use Ordinance (and electrical code, plumbing code, American Disabilities Act, Life Safety 101, and NFPA 31, and the Maine Oil and Solid Fuel Board Regulations) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

Cluster Development: The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

Code Enforcement Officer: A person appointed by the Board of Selectmen to administer and enforce this Ordinance.

Day Care Center: As defined in Title 22, MRSA Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center: A Day Care Facility as defined in State statutes for 13 or more children on a regular basis; and

Day Care Home: A Day Care Facility as defined in State statutes for 3 to 12 children on a regular basis.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

District: A specified portion of the Town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

Drainage: The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

Easement: Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Emergency Operations: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency Wireless Telecommunications Facility: Temporary wireless communication facilities for emergency communications by public officials.

Enlargement or To Enlarge: An "enlargement" is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Essential Services: The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

Extension or To Extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

Family: Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, or fraternity, or hotel.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Forest Management Terms:

1. **Forest Management Activities:** Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated activities but not the construction of roads.

2. **Timber Harvesting:** The cutting and removal of trees from their growing site, and the attendant operation of harvesting machinery, but not the construction of roads. Timber Harvesting does not include the clearing of land for approved construction.

Garage, Residential: An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile or persons not resident on the premises.

Grocery Store: A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

Guest Room: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

High Voltage Power Transmission Lines: High-voltage transmission lines are used to transmit electric power over relatively long distances, usually from a central generating station to main substations. They also provide electric power transmission from one central station to another for load sharing.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of such building.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Industry: Use of a premise for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Junkyards:

Automobile Graveyard: A yard, field or other area used as a place of storage of three (3) or more unserviceable, discarded, worn-out or junked automobiles.

Junkyard: A yard, field or other area used as a place of storage for discarded worn-out or junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste and scrap iron, steel and other ferrous material including garbage dumps, waste dumps and sanitary landfills

Auto Recycling Business: An automobile recycling business is a business which purchase or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale.

Kennel, Commercial: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding etc., for which a fee is charged.

Kennel, Non-Commercial: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

Land Use Permit: A permit for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

Light Manufacturing: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development.

Lot Area: The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two or more streets at their intersection.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Lot Depth: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

Lot Line: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

Front Lot Line: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear lot line requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.

Rear Lot Line: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Side Lot Line: Any lot line other than a front or rear lot line.

Lot of Record: Any validly recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot Standards: The combination of controls that establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Manufactured Housing: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site.

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. **NEWER MOBILE HOME:** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;
2. **OLDER MOBILE HOMES:** Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called "travel trailers"; and
3. **MODULAR HOMES:** Those units which the manufacturer certifies are construction in compliance with the State's Manufactured Housing Act and regulations, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations which connected to required utilities, including plumbing, heating, air conditioning, or electrical systems contained therein.

Marina: A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premise restaurant.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Mineral Extraction: The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Monson for the placement of three (3) or more manufactured homes.

Motel: An establishment that provides lodging and parking and in which rooms are accessible from an outdoor parking area.

Motor Vehicle: Every vehicle that is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

Motor Vehicle, Unserviceable: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

Municipal Facilities: Buildings or land that is owned by a Public entity and operated under its supervision for a public purpose.

Natural Gas Transmission Lines: A pipeline which serves as a conduit connecting natural gas production, storage and gathering fields, to regional distribution pipelines that ultimately reach the end user.

Non-Conforming Use: See USE TERMS

Normal Maintenance and Repair: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, or change of size or capacity.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: The entire area of a tract of land before being divided by a development.

Parking Lot: An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Performance Standard: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Monson.

Petroleum Pipeline: A complex of structures for transporting petroleum and petroleum products from the place of extraction or production to points of use. A pipeline consists of underground pipes, fittings, head and booster pumping stations, petroleum tanks, and line and auxiliary structures.

Privately Owned Limited Access Arterial Highway: A private highway owned and operated for profit, providing a service which is relatively continuous and of high traffic volume, long average trip length, high operating speed, of which owners or occupants of abutting land or other persons have no right or easement of access, light, air or view by reason of the fact their property abuts upon such highway. Such highway may or may not be open to use by all customary forms of street and highway traffic.

Professional Office: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or
2. A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

Retail Establishment: Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Road: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

Setback: The minimum distance from the lot line to the nearest part of a structure.

Sign Items: Device, model, banner, pennant, insignia, flag, or other representation, which is used as, or is in the nature of an advertisement, announcement or direction.

Signs:

Free Standing: A sign supported by one or more uprights or braces permanently affixed into the ground.

Portable: A sign not designed or intended to be permanently affixed into the ground or to a structure.

Roof: A sign that is attached to a building and is displayed above the eaves of such building.

Temporary: A sign of a temporary nature, erected less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.

Wall: Any sign painted on, or attached parallel to, the wall surface of a building and projecting therefrom not more than six (6) inches.

Window: Any on-premise, non-temporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued, or otherwise affixed to a window.

Area of a Sign: The exposed surface of the sign including all ornamentation, embellishment, background, and symbols.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Structural Terms:

Building: Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building, Accessory:
A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building, Principal:
A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment:
A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling, Single Family Detached:
A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling, Two Family:
A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling, Multiple Family:
A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Structure: Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. (See Essential Services)

Temporary Wireless Telecommunications Facility: A temporary wireless communications facility that is in operation for a maximum period of one hundred (180) days.

Transient: A non-resident person residing within the Town of Monson less than thirty (30) days.

Transmission Tower: A building or structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure and that may be fully walled in or of skeleton framework. See Section V Land Use Performance Standards

Use Terms: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

Principal Use: The specific primary purpose for which land is used.

Conforming (Permitted) Use:
A use that may be lawfully established in a particular district provided it conforms to all the requirements, standards and regulations of such district.

Non-Conforming Use:
A use which does not conform to the provisions of this Ordinance.

Open Space Use: A use that does not disturb the existing state of the land except to restore this land to a natural condition.

Variance: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

Warehouse and Storage Facility: A commercial structure for the storage of personal items merchandise or commodities, including bulk storage and bulk sales outlet.

Land Use Ordinance of the Town of Monson, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Wholesale Business Establishment: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

Wind Energy Systems:

Small Wind Energy Systems (SWES): A Small Wind Energy System is typically composed of a wind turbine (blades, generator, tail), a tower or roof mount for support, and associated controls and conversion electronics. SWES have a generating capacity of 100kW or less, and are intended primarily for the generation of electrical power for on-site use.

Large Wind Energy Systems (LWES): A Large Wind Energy System is typically composed of a wind turbine, (blades, generator, tail), a tower or roof mount for support, and associated controls and conversion electronics. LWES have a generating capacity greater than 100kW, and are intended primarily for commercial generation of electrical power.

Windmills: Wind powered systems that convert wind energy to mechanical energy for the pumping of water for agricultural, to electrical energy or other uses and are considered accessory structures when associated with residential development, and may be permitted by the Code Enforcement Officer, subject to the performance standards of Section V. Also known as Small Wind Energy System/Facility.

Yard: The area of land on a lot not occupied by buildings.

Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

Rear Yard: The open, unoccupied space on the same lot as the principal building between a rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

- Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear yard.

Land Use Ordinance of the Town of Monson, Maine

ORDINANCE

PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS IN THE MUNICIPALITY OF THE TOWN OF MONSON

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipality Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective Date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Enacted March 20, 2017 at the Town of Monson's Annual Town Meeting.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designees. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

TOWN OF MONSON

LARGE DOMESTIC ANIMAL ORDINANCE

ENACTED MARCH 1985

SECTION 1 - Purpose:

The purpose of this ordinance shall be to restrict the housing or keeping of large domestic animals within the village limits of the Town of Monson.

SECTION 2 – Definition: Large domestic animals

The term “large domestic animals” shall include horses, hogs, sheep, dairy cows, beef cattle, goats and poultry.

SECTION 3 – Definition: Village limits

The term “village limits” shall include the following:

Blanchard Road: Proceeding west from village including Lots 8 & 9, on Map 20.

Route 15: (Tenney Hill Rd.) Proceeding south from the village including Lots 1 & 47, on Map 20.

North Guilford Rd & Willimantic Rd: Proceeding south from the village including Lot 25 (North Guilford Road) & 24 (Willimantic Rd), Map 20, and Lot 12 Map 8.

Water Street: Proceeding east from village, including Lots 19 & 20, Map 8.

Chapin Avenue: Including Lots 16 & 21 on Map 27; also including Lot 26 on Map 8.

Forrest Avenue: Including Lots 22 on Map 8; and Lot 41 on Map 21.

Elliottsville Road: Proceeding north from village including Lots 34 & 42-1 on Map 8.

Route 15: (Greenville Road) Proceeding north from village including Lots 42-1 on Map 8 and Lot 8 on Map 27.

Homer Hill Road: This road is excluded from the village limits.

Pleasant Street: Proceeding west from village including Lots 47 & 2 on Map 26.

SECTION 4 – Farm Buildings & Fenced Areas.

A. Farm Buildings: Farm buildings used for the care and housing of large domestic animals shall not be erected within one hundred (100) feet of a neighboring property.

B. Fenced Areas: Feed lots, fenced runs, pens, manure piles, and similar intensively used facilities or areas for animal raising and care, shall not be located within one hundred (100) feet of a neighboring property.

Parts A and B of Section 4 shall be known as the setback requirement.

SECTION 5 – Non-conforming Uses.

- A. Non-conforming uses: Any farm building or fenced area used for the care and housing of large domestic animals already in existence as of the date of enactment of this ordinance, and not complying to this ordinance, such use shall be “grandfathered” and continue subject to regulations enacted by the State of Maine found in the most current edition of the most appropriate NRAES (Northeast Regional Agricultural Engineering Service) Handbook (e.g. NRAES – 6 MWPS - 27 Entitled “Small Farms” February 1984), or appropriate MWRS (Midwest Plan Service) Handbook.
- B. Any non-conforming structure damaged by fire, flood, explosion or other casualty may be rebuilt and used as before if such building is performed within twelve (12) months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
- C. In the event that any non-conforming use conducted in a structure or fenced area, ceases for whatever reason, for a period of one year, such non-conforming use shall not be resumed.

SECTION 6 - Enforcement.

Enforcement: The enforcement of this ordinance, other than appeals, shall rest with the Board of Selectmen.

Board of Appeals: The municipality of Monson has a Board of Appeals as established in Section 2411 of Title 30, Maine Revised Statutes. The Board of Appeals may permit on appeal, exceptions to, and variations from, the regulations in this ordinance in accordance with the principals, conditions and procedures set forth in the ordinance.

TOWN OF MONSON, MAINE

MOBILE HOME PARK ORDINANCE

ADOPTED JUNE 6, 1994

A. COMPLIANCE WITH LAWS AND ORDINANCES:

Except as stipulated below, mobile home parks shall comply with all state laws and municipal ordinances, and shall meet the requirements of the subdivision law.

B. LOT SIZE, WIDTH AND DENSITY:

Lots in a mobile home park shall meet the following lot size, width and density requirements.

1. Lots served by public sewer
Minimum lot area: 6500 sq ft or the smallest lot size set forth in the zoning ordinance, whichever is less.
Minimum lot width 50 ft.
2. Lots served by individual subsurface sewage disposal systems.
Minimum lot area: 20000 sq ft.
Minimum lot width 75 ft.
3. Lots served by a central subsurface waste water disposal system
Minimum lot area: 12000 sq ft.
Minimum lot width 75 ft.
4. The overall density of a mobile home park served by a central subsurface sewage disposal System shall be no greater than one unit per 20000 sq ft of total park area.
5. Where lots front on a curved right-of-way or are served by driveway, the frontage requirement shall be measured in a straight line to the setback line.
6. Lots within a shoreland zoning district shall meet the lot area, lot width, setback and shore frontage requirements for that district.
7. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:
 - a. The area required for road right-of-way;
 - b. The area required for buffer strips, in any;
 - c. For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
 - d. The area within the municipality's shoreland setback.
8. LOT COVERAGE: All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

C. LOT SETBACKS

1. The following lot setbacks shall apply to all homes and accessory buildings:
Front Setback: 20 feet
Side Setback: 20 feet
Rear Setback: 10 feet
If these requirements conflict with the requirements of the Shoreland Zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to the residential dwelling units.
2. So as to avoid monotony and sameness, the Planning Board may allow the front setback on a Private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 ft from all units.

3. Carports of non-combustible materials are not subjects to side setback requirements.
4. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between units for the purpose of providing more usable Yard space on one side of the home.
5. **DISTANCE BETWEEN HOMES:** A minimum 20 foot separation shall be maintained between all directions.

D. OWNERSHIP:

Where a developer elects to create a mobile home park where all land is under one ownership, the park shall show lots and the developer shall demonstrate that the development standards described therein are met.

E. ROAD STANDARDS:

1. Privately owned roads within the mobile home park shall be designed by a Professional Engineer, registered in the State of Maine, and shall be built according to accepted engineering standards.
2. Roads within mobile home parks which are to be offered for acceptance to the community shall meet the minimum road standards of the Subdivision Ordinance of the Town of Monson.
3. Right-of-way and Pavement Width:
 - a. Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
 - b. One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
 - c. Parking lanes shall be a minimum of 8 feet in width, if provided.
 - d. Cul-de-sac turnarounds shall have a minimum radii of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
 - e. If the developer intends to dedicate park streets to the public, such streets shall meet municipal road standards.
4. Mobile home park roads which intersect with public roads shall meet the following standards:
 - a. Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - b. Grade. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.
 - c. Minimum sight distance. The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of the object 4 ½ feet. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.
 - d. Distance from other intersections. The centerline for any street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.
5. Access and Circulation.
 - a. The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and dimensions of access junctions with existing public streets and right-of-way shall be approved by the Monson Planning Board.
 - b. A traffic analysis shall be required if the park will generate more than 500 trips per day.
 - c. For mobile home parks expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.

- d. On-street parking shall be prohibited unless an eight foot parking lane is provided in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- e. Curvilinear streets shall be utilized whenever possible. No street within the park shall be more than 200 feet without a curve or bend.
- f. No mobile home lot may have vehicular access directly onto a state highway.

F. PARKING REQUIREMENTS.

For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 sq ft with a minimum dimension of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces is provided by parking Lane. In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. Such parking shall be hard-surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

G. UTILITY REQUIREMENTS.

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

H. SIDEWALKS/WALKWAYS.

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of 3 feet.

I. LIGHTING.

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

J. SIGNS.

Signs and advertising devices shall be prohibited in a mobile home park except:

1. One (1) identifying sign at each entrance of the mobile home park no larger than 24 sq ft which may be indirectly lit, but not flashing.
2. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.
3. Mobile/manufactured home "for sale" signs, provided that signs shall be limited to two signs per mobile park.
4. Mobile/manufactured homes address signs. The styles and location of the identifying sign shall be constructed in accordance with the local sign regulations.

K. STORAGE.

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

L. STORM DRAINAGE.

A storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm Drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

K. GROUND WATER.

1. Application for mobile home parks not served by a public sewer, an assessment of the impacts of Park development on ground water quality shall be submitted prior to final approval of the park. The Assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:
 - a. A map showing the basic soil types.
 - b. The depth to the water table at representative points throughout the mobile home park.
 - c. Drainage conditions throughout the mobile home park.
 - d. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the developments impact on ground water phosphate concentrations shall also be provided.
 - f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
2. Standards.
 - a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 - c. If ground water contaminants in excess of the secondary standards, the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
3. Development.

Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water are recommended in the assessment, those standards shall be included as a note on the Plan.

N. OPEN SPACE.

1. For mobile home parks served by a public sewer, an area amounting to no less than 10% of the total Area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and usable by all residents of the park. Parking space, driveways and streets and buffer Areas are not considered usable open space but community recreational buildings, pools and courts are considered as open space.
2. Open Space Suitability. At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.
3. Developed Open Space. All developed open space shall be designed and lands capped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.
4. Undeveloped Open Space. To the maximum extent possible, undeveloped open space shall be left in its natural state, improvements to make trails for walking and jogging or to make picnic areas are permitted.

5. Open Space Ownership. The developer shall submit, as part of his/her application, a copy of that portion of the proposed park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
6. Open space shall be maintained and used for its stated purpose.

O. BUFFER STRIPS.

1. A 50 foot wide buffer strip shall be provided along all property boundaries that:
 - a. Abut residential land which has a gross density of less than half of that proposed in the park, or;
 - b. Abut residential land that is zoned at a density of less than half of that proposed in the park.Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
2. Within 25 ft of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

P. CONVERSION OF PARK.

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.

Q. PARK ADMINISTRATION.

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws. Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other0 applicable local, state and federal codes and regulations.

R. SITE PREPARATION.

See Town of Monson's Land Use Ordinance.

S. ENFORCEMENT.

This ordinance shall be enforced in accordance with the provisions of Title 30-A M.R.S.A., §4452

Town of Monson

Natural Resource Extraction Ordinance

Section 1: Title

This Ordinance shall be known and cited as the “Natural Resource Extraction Ordinance” of the Town of Monson, Maine.

Section II: Purpose

- A. To protect the short-term and long-term quality and quantity of natural resources within the Town of Monson;
- B. To ensure that any proposed large-scale resource extraction activity is subject to appropriate review and approval by the Town of Monson and the State of Maine;
- C. To establish a regulatory framework for the oversight and management of natural resources, and to develop management practices governing the extraction of natural resources to ensure ongoing sustainability and quality and avoid interruption of supply or degradation in the quality of natural resources within the Town of Monson;
- D. To protect the general health, safety and welfare and well-being of all persons dependent on natural resources located in the Town of Monson;
- E. To ensure that natural resource extraction does not adversely impact or impair plant, wildlife, wetlands, meadows, and forested areas dependent on natural resources;
- F. To ensure the ongoing stability and to safeguard the environmental health of surface land in the conservation of topsoil and agricultural activities dependent on natural resources;

- G. To protect private and public property proximate to and within areas of natural resources by regulating structures, facilities, and activities requiring natural resource extraction so there is no undue adverse impact to new and existing roadways (private or public), due to extraction, processing, loading, or transport of natural resources;
- H. To minimize, limit and require mitigation and buffering of noise, vibration, dust, pollution, and other adverse impacts associated with natural resource extraction activities, including the regulation of equipment, vehicles, or transport through natural resource areas;
- I. To provide policies promoting fair use of and equitable access to natural resources.

Section III: Statutory Authority

- A. Title 38 M.R.S.A. §401 etc. seq.
- B. Maine Constitution, Article VIII, and Title 30-A M.R.S.A. §2101 et seq.;
- C. Title 30-A M.R.S.A. §§3001 through 3006.
- D. Title 30-A M.R.S.A. §4311; and
- E. Title 22 M.R.S.A. §2611 et seq.

Section IV: Definitions

In this Ordinance, the words and phrases listed below have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms related to natural resources shall be defined in the following order: as defined by State of Maine Statutes; in accordance with their generally accepted technical meaning within the applicable scientific disciplines; and their common dictionary definition.

Section V: Permits Required/Exceptions/Applications

A. General

The following provisions are intended to ensure the ongoing sustainability or quality and quantity of natural resources to members of the general public within the Town of Monson and to protect the health, safety and well-being of all persons dependent upon natural resources within the Town of Monson.

B. Permit Required

Any person seeking to develop or engage in natural resource extraction activities must first apply for and obtain a land use permit issued by the Planning Board of the Town of Monson.

C. Natural Resource Extraction Not Requiring a Permit

The following natural resource extraction activities and uses do not require a Land Use Permit:

1. Resource extraction associated with agricultural activities for use on farmlands, agricultural or on silvicultural lands for such purposes in the immediate vicinity of an extraction point for such activities and use;
2. Resource extraction associated with drinking and domestic water by private residences located in the Town of Monson;
3. Resource extraction associated with public facilities, schools, treatment facilities, utilities or similar facilities located in the Town of Monson;
4. Resource extraction activities associated with public safety;
5. Resource extraction activities currently supporting ongoing residential, commercial and industrial activities within the Town of Monson, existing as of the date of the adoption of this Ordinance.

D. Application for Permit

1. Application for Land Use Permits shall be subject to the provisions set forth in the Town of Monson Land Use Ordinance Section IV, V and VI and the following application and performance standards.

2. Additional Application and Performance Standards

a. Written application required. Applications for a permit from the Planning Board to conduct Resource Extraction Activities shall be in writing and accompanied by detailed site plans and project descriptions prepared by an appropriately qualified and licensed professional or Engineer.

b. Right, Title and Interest. Applicants must submit with an application adequate evidence of the applicant's right, title and interest in and to the property or properties on which any resource extraction activity is proposed. Applicants may show sufficient right, title and interest by providing a copy of a deed duly recorded in the Piscataquis Registry of Deeds or a copy of the lease, option, contract or other instrument establishing their right, title and interest. In all cases, such instruments must be provided in their entirety and must be submitted with the application. Reference to purchase price and specific business sensitive financing terms may be redacted from the documentation provided.

c. Extraction methods and quantity. Applications shall include a detailed statement describing the extraction methods proposed and the total maximum quantity of natural resources to be extracted within any 24 hour period from the aggregate of all extraction points as operated by and proposed to be operated by the same individual/entity, or consortium/association of individuals or entities. The description and submissions shall include a detailed summary and maps describing and showing the locations of all existing and proposed points of extraction and the proposed and existing methods of extraction, the depth of extraction methods and a summary description of the characteristics and type of natural resource.

d. Resource use. Applications shall include detailed description of the proposed use for which the resource is to be extracted, including a description of the facilities for the use, processing, transporting, storage, sales or other similar activities with the proposed extraction activity.

e. Transportation. Applications shall include a description detailing the means of transportation, transportation vehicles, and the proposed number of daily trips of the resource extraction vehicles on specified routes with the Town of Monson to and from the extraction points. The Planning Board may require a traffic study to be completed by a qualified, registered traffic or transportation engineer, retained by the Town of Monson, and paid for by the applicant.

f. Related applications and documents. Applications shall include copies of all related applications, exhibits and reports filed with any other agency or department of the State of Maine or United States Government, including, but not limited to, the Maine Department of Environmental Protection, Department of Fisheries and Wildlife, Maine Forest Service, and Department of Health and Human Services rules and regulations.

g. Applications shall include a written Environmental Assessment, addressed to the Town of Monson Planning Board of the property and the impacted areas.

3. Site Plan

A detailed site plan depicting the following:

- a. Dimensions of Property
- b. Impacted Areas
- c. Identified Natural Resources

- d. Exiting Public and Private Roads
- e. Proposed New Roads
- f. Utilities
- g. Other Required Information per Land Use Ordinance

4. Traffic Impact Analysis

Traffic Impact Analysis, if required by the Planning Board, shall be prepared, signed and sealed by a State of Maine certified Engineer with experience in traffic engineering and modeling. The Analysis shall include the following:

- a. Proposed Route
- b. Access to Route
- c. Types and Weights of Vehicles
- d. Expected Vehicle Trips per Day
- e. Peak Hour Volumes
- f. Assessment of Load Capability and Volume Capacity of Road
- g. Mitigation Measures to Neighboring Properties
- h. Recommended improvements to assure an adequate level of service on affected streets, if any, to mitigate the physical degradation of roads sooner than expected life span.

5. Conditions of Permit

No application for Resource Extraction activities shall be issued until and unless the Planning Board affirmatively finds that each of the following performance standards has been or will be met and all other Town of Monson requirements are met. The burden of proof is solely on the applicant.

- a. Technical Expertise and Financial Capability
- b. Sustainability of Natural Resources
- c. Land Subsidence
- d. Monitoring Systems as Appropriate

6. Independent Expert Assistance

If the Planning Board reasonably determines it requires independent expert assistance to assist in its review of the application, or in evaluating the substance of the application or in developing appropriate conditions of approval, it may engage the service of a technical expert to assist the Board. The applicant shall pay to the Town, in advance of the scheduling of any public hearing, a sum equal to the estimated cost of the independent expert. The failure to make payment shall excuse the reviewing authority from scheduling any further review of the application by the Planning Board until such payment is made in full.

7. Surety and Terms of Permit

No permit shall be issued without a surety bond or an equivalent and appropriate security, including anticipated inflation, as determined by the Planning Board in consultation with the Board of Selectmen to secure a performance of the activities permitted to an applicant seeking to engage in resource extraction activities and to ensure compliance with such conditions as the Planning Board may impose in connection with such authority. The bond or surety shall be in an amount recommended by the Board of Selectmen and approved by the Planning Board.

Section VI: When Effective

This article shall become effective immediately upon its adoption and enactment by vote of the legislative body of the Town of Monson at a duly called Town Meeting.

TOWN OF MONSON

SHORELAND ZONING ORDINANCE

Adopted by the Municipal legislative body on July, 19, 1995

Effective date of Ordinance Amendments: June 18, 2001 & March 16, 2009

Approved by Dept. of Environmental Protection: May 14, 2009

Filed with Monson Town Clerk _____. Town Clerk Signature_____

GUIDELINES FOR TOWN OF MONSON

Shoreland Zoning Ordinance for the Municipal of Monson, Maine

SHORELAND ZONING ORDINANCE

TABLE OF CONTENTS

	Page
1. Purposes	3
2. Authority	3
3. Applicability	3
4. Effective Date	3
A. Effective Date of Ordinance and Ordinance Amendments	4
B. Sections 15(O) and 15(O-1).....	4
5. Availability	4
6. Severability	4
7. Conflicts with Other Ordinances	4
8. Amendments	4
9. Districts and Zoning Map	5
A. Official Shoreland Zoning Map.....	5
B. Scale of Map	5
C. Certification of Official Shoreland Zoning Map	5
D. Changes to the Official Shoreland Zoning Map.....	5
10. Interpretation of District Boundaries	5
11. Land Use Requirements.....	5
12. Non-conformance.....	6
A. Purpose	6
B. General	6
C. Non-conforming Structures	6
D. Non-conforming Uses	9
E. Non-conforming Lots	9
13. Establishment of Districts.....	10
A. Resource Protection District.....	10
B. Limited Residential District.....	11
C. Limited Commercial District.....	11
D. Stream Protection District	11
14. Table of Land Uses	12
15. Land Use Standards	14
A. Minimum Lot Standards	14
B. Principal and Accessory Structures.....	15
C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water body or Within a Wetland.....	17
D. Campgrounds.....	18
E. Individual Private Campsites	18
F. Commercial and Industrial Uses	20
G. Parking Areas	20
H. Roads and Driveways	20
I. Signs.....	22
J. Storm Water Runoff	22
K. Septic Waste Disposal	23

Shoreland Zoning Ordinance for the Municipal of Monson, Maine

L. Essential Services	23
M. Mineral Exploration and Extraction	23
N. Agriculture	25
O. Timber Harvesting	25
P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting	27
Q. Erosion and Sedimentation Control	29
R. Soils.....	30
S. Water Quality	30
T. Archaeological Site	30
16. Administration.....	31
A. Administering Bodies and Agents	31
B. Permits Required	31
C. Permit Application	32
D. Procedure for Administering Permits	32
E. Special Exceptions	33
F. Expiration of Permit.....	34
G. Installation of Public Utility Service	34
H. Appeals.....	34
I. Enforcement.....	38
17. Definitions	39
18. 2009 Revisions Map in Shoreland Zoning Depicting Moderate & High Value Freshwater Wetlands.....	49
19. Key for Revisions.....	50
20. Letter of DEP Approval	51,52 & 53

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fishing spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M. R. S. A).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date of Ordinance and Ordinance Amendments

4.A. This Ordinance, which was adopted by the municipal legislative body on July 19, 1995; and amended June 18, 2001 and March 16, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Town of Monson's Shoreland Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance with Ordinance Amendments, if the Ordinance with Ordinance Amendments is approved by the Commissioner.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

4.B. Section 15(O) Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5)*. Once repealed the following sections in Monson's Shoreland Ordinance will no longer be enforced by the town.

Section 14, Table 1, *Land Uses in the Shoreland Zone*, Item 3 (forest management activities except for timber harvesting & land management roads), Item 4 (timber harvesting), and Item 35 (land management roads) of the Table;

Section 17, Definitions, pertaining to timber harvesting and forest management activities, including the terms: Cross-sectional area, DBH, Disruption of shoreline integrity, Forest management activities, Forest stand, Harvest area, Land management road, Licensed forester, Residual basal area, Residual stand, Skid road or skid trail, Slash, Timber harvesting, Timber harvesting and related activities, and Windfirm. Once repealed, regulation of timber harvesting activities will be deferred to the Bureau of Forestry.

Note: *The statutory date established under 38 M.R.S.A. section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-A(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at a reasonable cost and at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulations or statute administered by the municipality, the more restrictive provision shall control.

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Dept. of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within the forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Section 9. Districts and Zoning Map

9.a Official Shoreland Zoning Map The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. Stream Protection

9.b Scale of Map The official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and legend indicating the symbols for each district shall be placed on the map.

9.c Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be custodian of the map.

9.d. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Board of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

NOTE: Municipalities are encouraged to incorporate specific written descriptions of district boundaries into the Ordinance so that disputes over district boundaries are minimized.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which located, unless a variance is granted.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Section 12. Non-conformance

12.A Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

12.B General.

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local buildings and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

12.C. Non-conforming Structures:

- (1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.
 - (a). Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.
 - i. Expansion of any portion of a structure within twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
 - ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - iii. For structures located less than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that seventy-five (75) foot distance is one-thousand (1,000) square feet, and the maximum height of any portion of a structure that is within seventy-five (75) feet, horizontal distance, of a water

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

body, tributary stream or upland edge of a wetland is twenty (20) feet or the height of the existing structure, whichever is greater.

- iv. For structures located less than one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that one-hundred (100) foot distance is fifteen hundred (1,500) square feet, and the maximum height of any portion of a structure that is within one-hundred 100 feet, horizontal distance, of a great pond is twenty-five (25) feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy-five (75) feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division (iii). For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.

- (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, Shoreland Zoning Ordinance. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.

(2). Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a). Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b). Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- (3). **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

- (4). **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

1. Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12 (C) (1) (A) above.

2. Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots:

1. Non-conforming Lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots. If two or more contiguous lots of parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots – Vacant or Partially Built. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

13.A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shore land zone, exclusive of the Stream Protection District, except those areas which are currently developed, and areas which meet the criteria for the Limited Commercial, need not be included within the Resource Protection District.

- (1). Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF & W) as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; and shorebird nesting, feeding and staging areas defined by the Department of Inland Fisheries and Wildlife.

(2). Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Map, or the flood of the record, or in the absence of these, by soil types identified as recent flood plain soils.

(3). Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4). Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(5). Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District.

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed intensively. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Section 14. Table of Land Uses

All land use activities, as included in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes – Allowed (no permit required but the use must comply with all applicable land use standards)

No – Prohibited

PB – Allowed with permit issued by the Planning Board

CEO – Allowed with permit issued by the Code Enforcement Officer

LPI – Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection

LR – Limited Residential

LC – Limited Commercial

SP – Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICTS</u>			
	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>SP</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes
3. Forest management activities except for Timber harvesting	yes	yes	yes	yes
4. Timber harvesting	CEO1	yes	yes	CEO
5. Clearing of vegetation for approved construction and other allowed uses	CEO1	yes	yes	CEO
6. Fire prevention activities	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes
9. Mineral exploration	yes2	yes2	yes2	no
10. Mineral extraction including sand and gravel extraction	PB3	PB	PB	no
11. Surveying and resource analysis	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

13. Agriculture	PB	yes	yes	PB
14. Aquaculture	PB	PB	PB	PB
15. Principal structure and uses				
A. One and two family residential, <u>including driveways</u>	PB11	CEO	CEO	PB4
B. Multi-unit residential	no	PB	PB	no
C. Commercial	no	no	PB	no
D. Industrial	no	no	no	no
E. Governmental and institutional	no	no	PB	no
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	CEO	CEO	PB4
16. Structures accessory to allowed uses	PB4	CEO	CEO	PB
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO9 PB	CEO9 PB	CEO9 PB	CEO9 PB
b. Permanent				
18. Conversions of seasonal residences to year-round residences	NO	LPI	LPI	NO
19. Home occupations	no	PB	CEO	no
20. Private sewage disposal system	no	LPI	LPI	no
21. Essential services	PB6 CEO6	PB yes10	PB yes10	PB6 CEO6
A. Roadside distribution lines (34.5KV and lower)				
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB6	CEO	CEO	PB6
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB6	PB	PB	PB6
D. Other essential services	PB6	PB	PB	PB6
22. Service drops, as defined to allowed uses	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	CEO	PB
24. Individual, private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	no7	PB	PB	no
26. Road construction	no8	PB	PB	no
27. Parking facilities	no7	PB	PB	no
28. Marinas	<u>RP</u> no	<u>LR</u> PB	<u>LC</u> PB	<u>SP</u> PB
29. Filling and earthmoving of <10 cubic yds.	CEO	yes	yes	CEO
30. Filling and earthmoving of >10 cubic yds.	PB	CEO	CEO	PB
31. Signs	yes	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB
35. Land management roads	PB	yes	yes	yes

Footnotes:

1. In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only.
6. See further restrictions in the Ordinance Section 15(L) (2).
7. Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(3).
9. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
10. Permit not required but must file a written "notice of intent to construct" with CEO.
11. Single-family residential structures may be allowed by special exception only according to the provisions of Section 16 (E), Special Exceptions. Two-family residential structures are prohibited.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

Section 15. Land Uses Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

15.A. Minimum Lot Standards

1. Minimum Lot Area/Minimum Shore	(sq. ft.)	Frontage (ft.)
Residential per dwelling unit	40,000	200
Governmental, Institutional, Commercial, Or Industrial per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

15. B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Limited Commercial District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be two-hundred and fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In Addition:

- a). The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependant uses.
 - b). On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- 2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 - 3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.
5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, is/are no more than twenty-four (24) inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

- (i) The buffer must include shrubs and other woody and herbaceous vegetation where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
- (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
- (iii) Only native species may be used to establish the buffer area;
- (iv) A minimum buffer width of fifteen (15) feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland; and
- (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.

NOTE: If the wall and associated soil disturbance occurs within seventy-five (75) feet, horizontal distance, of a water body, tributary stream or wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

- 6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- 2. The location shall not interfere with existing developed or natural beach areas.
- 3. The facility shall be located so as to minimize adverse effects on fisheries.
- 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- 5. No new structure shall be built on, over or abutting a pier, wharf, dock, or other

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

7. No existing structures built on, over or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act 38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual-Private Campsites

Individual-private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet horizontal distance from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all run-off on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except in parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

(1) Does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures with the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

(3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

(8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of twenty thousand (20,000) square feet or more of impervious area or five (5) acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with one (1) acre or more of developed area in any other stream or wetland watershed. A permit-by-rule is necessary for a project with one (1) acre or more of disturbed area but less than one (1) acre impervious area (twenty thousand (20,000) square feet for most-at-risk lakes and urban impaired streams) and less than five (5) acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

(a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and

(b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1)** A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15(M)(3) below.
- (2)** No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3)** Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a)** All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b)** The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c)** Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4)** In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

Note: Assistance in preparing a Conservation Plan may be available through the local Soil and__Water Conservation District Office.

- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

15.O. Timber Harvesting

- (1) Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.
- (2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

- (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4 ½) feet above ground level on any lot in any ten (10) year period is permitted. In addition:

 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one-hundred (100) feet, horizontal distance, apart. Such clear cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- (b) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed
or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- (c) Timber harvesting equipment shall not use stream channels as travel routes except when:

 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (d) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (e) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

- (f) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

15. P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA

or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (a) There shall be no cleared opening greater than two hundred and fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a “well-distributed” stand of trees adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

defined as maintaining a rating score of 12 or more in each 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ feet Above Ground Level (inches):	Points
2<4 inches	1
4<12 inches	2
12 inches	4

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 8 per 25-foot by 25-foot square area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three (3) trees between 4 and 12 inches in diameter, and three (3) trees over 12 inches in diameter, the rating score is: $(3 \times 1) + (3 \times 2) + (3 \times 4) = 21$ points

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points ($21 - 12 = 9$) may be removed from the plot provided that no cleared openings are created.

For the purposes of Section 15(P)(2)(b), “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by 25-foot rectangular area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until three (3) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 1/2) feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom one-third (1/3) of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 ½) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, twenty-five percent (25%) of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

15. Q. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or riprap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

15.Q.(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

- (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

- (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

15. R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

15. S. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

15. T. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

16. Administration

16. A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

16. B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than twenty-five percent (25%) longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than seventy-five (75) feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level one (1) or level two (2) approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

16. C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

16. D. Procedure for Administering Permits. Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

16.E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than twenty percent (20%); and
 - (b) Located outside the floodway of the one-hundred (100) year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one (1) foot above the one-hundred (100) year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half (1/2) the width of the one-hundred (100) year flood-plain.

- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than seventy-five (75) feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

16. F. Expiration of Permit. Permits shall expire one (1) year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one (1) additional year to complete the project, at which time the permit shall expire.

16. G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

16. H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

- (a) Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals.** Variances may be granted only under the following conditions:

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

4.(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

- a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
- b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

4. (b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

16. I. Enforcement

(1) Nuisances Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a Resource Protection District the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at four and one-half (4 ½) feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty percent (50%) of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

DBH – the diameter of a standing tree measured four and one-half (4.5) feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two (2) single-family dwellings or one (1) two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Expansion of use - the addition of one (1) or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family – one (1) or more persons occupying premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation by more than one (1) foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, excluding

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – consists of small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one (1) group not to exceed ten (10)

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land management road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one (1) or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Public facility – any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick	Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles	Podunk	Rumney	Saco
Suncook	Sunday	Winooski			

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one (1) or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Residual stand - a stand of trees remaining in the forest following timber harvesting and related activities

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two- hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two-hundred and fifty (250) feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland. .

Skid road or skid trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey seven and one-half (7.5) minute series topographic map, or if not available, a fifteen (15) minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Vegetation - all live trees, shrubs, and other plants including, without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 ½) feet above ground level.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

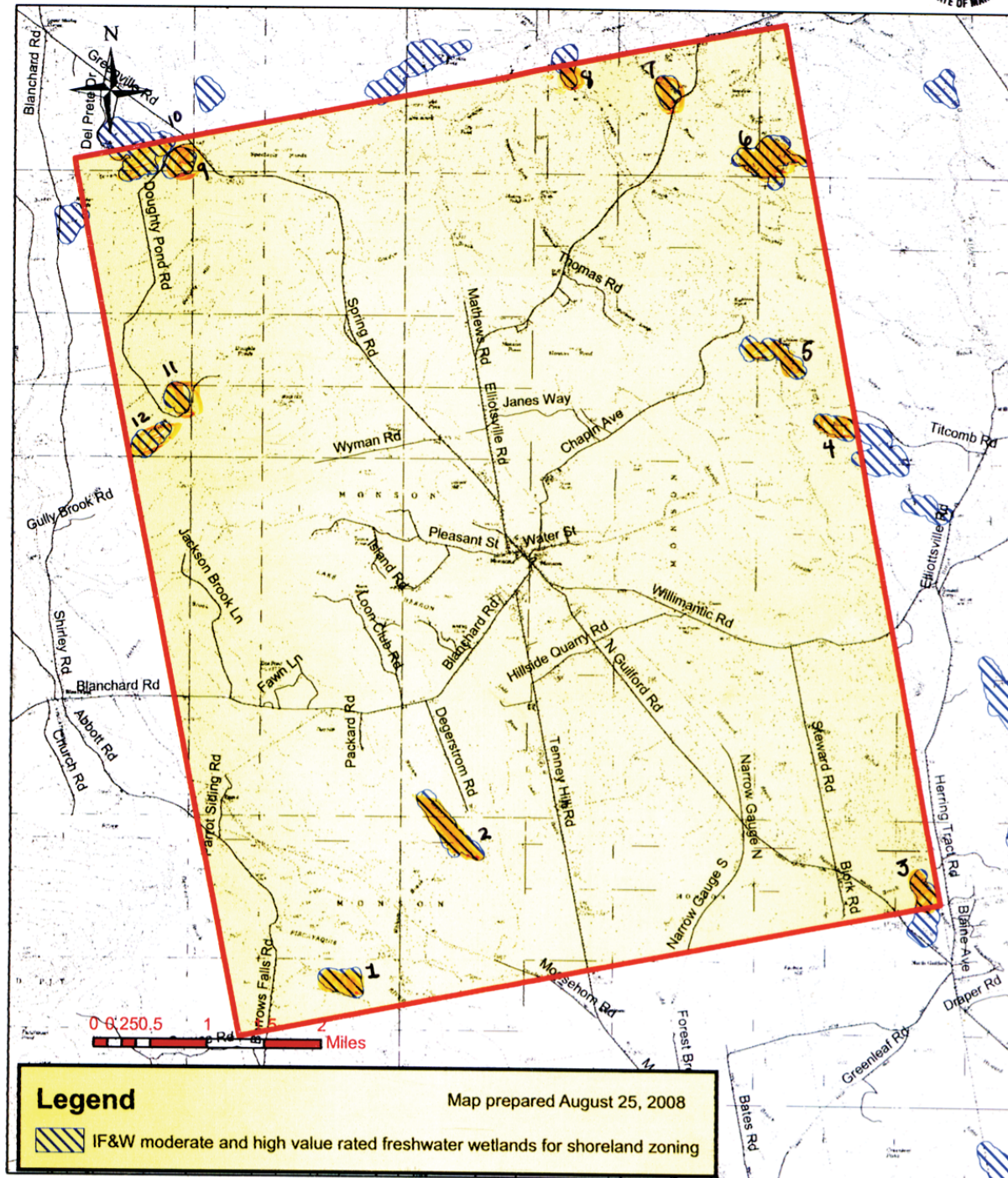
Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs

Town of Monson Moderate & High Value Freshwater Wetlands- Revised



This map shows only moderate and high value rated freshwater wetlands. Please note that low value and non-rated freshwater wetlands are still required to be zoned, as they have been since 1989.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine

2009 Revisions for Map in Shoreland Zoning Depicting Moderate & High Value Freshwater Wetlands

1. Southwest side of Piscataquis River in the Southwest corner of Monson East of the Barrows Falls Road
2. West of the end of the Degestrom Road
3. Southeast corner. It is Prescott Brook.
4. West end of Doughty Bog off the Titcomb Road in Town of Willimantic.
5. South of Eighteen Quarry Pit.
6. Wetlands around Squankin Pond.
7. North Pond Bog.
8. Leeman Brook at Town Line.
9. Spectacle Pond on West Side Rt. 15
10. South Side of Lily Pond Bog.
11. North Bog on Gully Brook.
12. South Bog on Gully Brook.

Shoreland Zoning Ordinance for the Municipality of Monson, Maine



STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LI

COMMISSIONER

IN THE MATTER OF

TOWN OF MONSON) MANDATORY SHORELAND ZONING ACT
PISCATAQUIS COUNTY) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ZONING ORDINANCE) ORDINANCE APPROVAL WITH
FILE #16-09) CONDITIONS

Pursuant to the provisions of 38 M.R.S.A., Section 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended through May 1, 2006, the Department of Environmental Protection has considered the Town of Monson Shoreland Zoning Ordinance (Ordinance) and the Town of Monson Shoreland Zoning Map (Map), as adopted by the municipal legislative body on March 16, 2009, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of Monson to establish zoning controls in areas within 250 feet of the normal high-water line of any great ponds and any rivers; within 250 feet of the upland edge of any freshwater and coastal wetlands; and within 75 feet of the normal high-water line of any streams. Such zoning standards must be consistent with or no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances (Guidelines), as adopted by the Board of Environmental Protection (Board).
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is/are effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or disapprove a locally adopted ordinance. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality.
3. On October 12, 2001, the Department approved the Shoreland Zoning Ordinance for the Municipality of Monson, as adopted on June 13, 2001, with conditions in Department Order #10-01, addressing the deficiency of the ordinance, which was retention of both expansion rules for non-conforming structures.
4. The Department's review of the Ordinance has revealed the following significant deficiency:

A. Section 15(C), (Piers, etc.) fails to include the height provision.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY
PRESQUE ISLE, MAINE 04769-201
(207) 764-0477 FAX: (207) 760-31

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Shoreland Zoning Ordinance for the Municipality of Monson, Maine

TOWN OF MONSON) MANDATORY SHORELAND ZONING ACT
PISCATAQUIS COUNTY) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ZONING ORDINANCE) ORDINANCE APPROVAL WITH
FILE # 16-09) CONDITIONS

5. In a letter dated April 9, 2009, the Town of Monson was notified by the Department of the above deficiency, and the proposed conditional approval of the Ordinance.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. The deficiencies noted in paragraph 4 above can be addressed by the Department approving the Ordinance with a condition that will result in the Ordinance being consistent with the standards in the Guidelines.
2. The Ordinance amendments adequately address the deficiencies identified in Department Order #10-01.

THEREFORE, the Department APPROVES the Ordinance and Map, as adopted on March 16, 2009, SUBJECT TO THE ATTACHED CONDITION:

1. Section 15(C) shall include: (8) Structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

The CONDITION of Department Order #10-01 is hereby REPEALED.

DONE AND DATED AT BANGOR, MAINE, THIS 14 DAY OF MAY, 2009.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____



FOR: David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Shoreland Zoning Ordinance for the Municipality of Monson, Maine



STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

ELIAS BALDACCI
GOVERNOR

DAVID P.
COMMISS

14 May 2009

Town of Monson
Attn: Town Clerk, CEO and Town Officials

Subject: CONDITIONAL APPROVAL,
Shoreland Zoning Ordinance and Map

Dear Ms. Lyman, Mr. Turner and Town Officials:

Thank you for contacting Stephenie McGarvey in April regarding the proposed Order of Conditional Approval, clarifying that the Town of Monson's Limited Commercial District is the equivalent to the Department Guidelines' General Development I District. Still, one deficiency remains, which this Order will address.

Please find enclosed a copy of Department Order #16-09 conditionally approving the Monson Shoreland Zoning Ordinance and the Town of Monson Shoreland Zoning Map, as adopted on 16 March 2009, and received by the Department on 31 March 2009 (Ordinance). The condition of approval is binding on the Town of Monson and must be administered as part of the Ordinance. Should the Ordinance be amended in the future to address the issue identified in Order of Conditional Approval, the Department can then fully approve the Ordinance and repeal the condition of approval.

If you have questions relating to the shoreland zoning, you may reach Stephenie McGarvey at 941-4116 or by e-mail at stephenie.mcgarvey@maine.gov.

Sincerely,

(For) David P. Littell
Commissioner
Department of Environmental Protection

enclosed: Department Order #16-09

STA
TE HOUSE STATION
STA, MAINE 04333-0017
87-7688 FAX: (207) 287-7826
LDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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312 CANCO ROAD
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Shoreland Zoning Ordinance for the Municipality of Monson, Maine